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July 8, 1975—Pages 28601–28783

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PART I

NOTICE TO FEDERAL AGENCIES

OMB Circular A–108 defining responsibilities for implementing the Privacy Act of 1974 and implementing guidelines will be published as Part III in tomorrow's Federal Register.

Agencies desiring reprints should file a Standard Form No. 1 with the Division of Planning Service, Room 830, Government Printing Office, before 3:00 p.m. today.

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This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURE ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1970 and the Agricultural and Consumer Protection Act of 1973. (Pub. L. 91–524, 93–86, 84 Stat. 1358, 87 Stat. 221). The major purposes of the amendment are as follows:

1. To provide planted and considered planted (P&CP) credit for base acreage allotments temporarily reduced because of cropland limitation.

2. To delete provisions on farms owned by the Federal Government.

3. To authorize the State ASC committee to approve the transfer of farm base acreage allotments affected by a natural disaster or a condition beyond the control of the producer if such acreage cannot be timely planted or replanted.

4. To change the final date of February 1 to March 1 for which out-of-county transfers may be approved.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1975 crop as soon as possible, it is hereby found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall become effective on July 8, 1975.

The regulations governing Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton, 39 FR 27305, are hereby amended as follows:

1. Section 722.404 is amended by revising paragraphs (f) (1)(i), (3), (8), and (9) to read as follows:

§ 722.404 Definitions.

* * * * *

(f) *History acreage of cotton on the farm.* * * *

(1) * * *

(i) It shall include the acreage seeded to cotton plus stub cotton acreage on the farm in the current year.

* * * * *

(3) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee or any temporary adjustment due to cropland limitation in accordance with § 722.406(f)(2).

* * * * *

(8) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment which is not credited to feed grains: *Provided,* That wheat in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b)(2);

(9) Any acreage planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment which is not credited to wheat: *Provided,* That feed grains in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b)(2);

* * * * *

2. Section 722.406 is amended by adding a new sentence at the end of the last sentence in paragraph (h)(3) to read as follows:

§ 722.406 Establishment of farm base acreage allotments.

* * * * *

(h) *Use of county reserve.* * * *

(3) *Base acreage allotments for missed farms and corrections of errors.* * * * The county committee shall not correct the allotment for a farm if reserve acreage is not available except as authorized by the State committee.

* * * * *

3. The first sentence in paragraph (h)(4) of § 722.406 is deleted.

§ 722.408 [Amended]

4. Paragraph (a)(2) of § 722.408 is deleted and paragraphs (a) (3), (4), and (5) are redesignated as (2), (3), and (4) respectively.

5. Section 722.416 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 722.416 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* The State ASC committee shall determine for any year those counties affected by a natural disaster or a condition beyond the control of producers within the meaning of section 350(h) of the Act which prevents the timely planting or replanting of a portion of the farm cotton base acreage allotments in the county. * * *

§ 722.418 [Amended]

6. The date of February 1 in the ninth sentence of § 722.418 is changed to March 1.

§ 722.421 [Amended]

7. Paragraph (h) of § 722.421 is deleted and paragraph (i) is redesignated as (h).

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1301, 1344b, 1350, 1375))

Effective date: July 8, 1975.

Signed at Washington, D.C., on June 30, 1975.

KENNETH E. FRICK,
Administrator.

[FR Doc.75–17676 Filed 7–7–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Plum Reg. 11, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grade and Size Requirements

This amended regulation, issued pursuant to the Marketing Agreement and Order No. 917 (7 CFR Part 917), continues the currently effective grade and size regulation of all shipments of fresh California plums so as to cover all such shipments during the 1975 season. Unless amended, such regulation would expire on July 8, 1975. The existing regulation prescribes U.S. No. 1 as the minimum grade for all fresh California plums handled except that additional tolerances for defects not considered serious, including healed cracks and gum spots, are permitted for certain specified varieties. It also specifies minimum size requirements, respectively, for 43 specified varieties in terms of the maximum permissible number of plums in an eight-pound sample. Such regulation is designed to provide the fresh fruit markets with an ample supply of desirable size and quality California plums consistent with the available supply in the interest of consumers and producers. The marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of June 16, 1975 (40 FR 25478), that this Department was giving consideration to a proposal to amend § 917.438 (Plum Reg. 11; 40 FR 22534)

effective pursuant to the applicable provisions of the marketing agreement and Order No. 917, as amended (7 CFR Part 917), which regulate the handling of fresh pears, plums, and peaches grown in California. Under the proposal the amended regulation would continue to be effective, without substantive change, on all fresh California plum shipments during the 1975 season. The notice invited interested persons to submit written data, views, or arguments, through June 25, 1975, for consideration relative to the proposed extension. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Plum Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of plums are currently in progress and this amendment should be applicable to all such plum shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory provisions are the same as those currently in effect; (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (5) this regulation, as amended, was unanimously recommended by the Plum Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 917.438 in paragraph (a), paragraph (b) preceding subparagraph (1) thereof, and paragraph (c) preceding Table I thereof are hereby amended to read as follows:

§ 917.438 Plum Regulation 11.

Order. (a) During the period May 24, 1975, through May 31, 1976, no handler shall ship any lot of packages or containers of any plums, other than the varities named in paragraph (b) of this section, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1975, through May 31, 1976, no handler shall ship: * * *

(c) During the period May 24, 1975, through May 31, 1976, no handler shall ship any package or other container of any variety of plums listed in Column A are of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

* * * * *

(Secs. 1–19, Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 1, 1975, to become effective July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17624 Filed 7–2–75;2:37 pm]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Free and Restricted Percentages for 1975–76 Fiscal Period

This regulation establishes free and restricted percentages of 85 percent and 15 percent, respectively, for cherries acquired during the 1975–76 fiscal period under Marketing Order No. 930.

Findings. (1) Pursuant to the applicable provisions of the Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of a recommendation of the Cherry Administrative Board, established under the aforesaid order, and upon other available information, it is hereby found that the fixing of free and restricted percentages, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The production of cherries in the controlled area for the 1975–76 crop year, as estimated by the Crop Reporting Board, is 144,780 tons. At its meeting of June 23, 1975, the Cherry Administrative Board reviewed prospective demand in the light of the estimate and the anticipated carryin and recommended the establishment of free and restricted percentages of 85 and 15, respectively, pursuant to the authority contained in § 930.51 of the order. The free percentage of 85 percent established by this regulation results in the availability of about 235.8 million pounds from the current crop and a total available supply, including an estimated carryin of 41.8 million pounds, of about 277.6 million pounds for domestic markets and export. The annual average quantity of cherries acquired by export and domestic trade for the most recent five-year period (1970–74) was 237.2 million pounds.

The fixing of the free and restricted percentages as specified herein is necessary to establish and maintain orderly marketing conditions, provide the market with an adequate supply of cherries, and prevent a heavy economic abandonment which would likely result if cherries were not regulated. Due to uncertainties of the market and the financial risks involved in processing and storing processed cherries, handlers are reluctant to utilize quantities of cherries in excess of that for which there appears to be a definite market. Under the regulation, the excess cherries are represented by the restricted percentage and, unless diverted by growers, such cherries will be processed and stored in a reserve pool for the account of the growers. Hence, growers will underwrite the processing and storage of such cherries for later release when market demand is such as to require augmentation of the supply available to normal commercial outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Board held an open meeting on June 23, 1975, after giving due notice thereof, to consider supply and market conditions and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the Board, and information concerning such provisions and effective time has been disseminated among growers and handlers of such cherries. Harvesting and processing of the current crop of cherries are expected to begin on or about July 7, 1975, and, as provided in the order, the free and restricted percentages specified in this regulation apply to all cherries acquired during the 1975–76 fiscal period; and compliance with this regulation will not require of growers or handlers any preparation which cannot be completed by the effective time hereof.

Therefore, the free and restricted percentages for cherries acquired by handlers during the 1975–76 fiscal period are hereby fixed as follows:

§ 930.502 Free and restricted percentages for the 1975–76 fiscal period.

The free percentage and restricted percentage applicable to all cherries acquired during the fiscal period May 1, 1975, through April 30, 1976, shall be 85 percent and 15 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17677 Filed 7–7–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1975 CROP-FLUE-CURED TOBACCO, LOAN RATE SCHEDULE

On June 13, 1975, there was published in the FEDERAL REGISTER (40 FR 25217) a notice of proposed rulemaking setting forth the proposed price support grade loan rates for 1975 crop flue-cured tobacco. Subsequently, a notice was published correcting certain errors in those rates. Interested parties were given the opportunity to submit, not later than June 30, 1975, data, views and recommendations pertaining to the grade loan rates.

No unfavorable comments have been received and the proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

(Secs. 4 and 5, 62 Stat. 1079, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423); 74 Stat. 6, as amended (7 U.S.C. 1445))

Effective date: July 8, 1975.

Signed at Washington, D.C. on June 2, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

§ 1464.16 1975 Crop—Flue-Cured Tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
A1F	118	B5FV	93
A2F	115	B3LS	97
B1L	110	B4LS	94
B2L	105	B5LS	91
B3L	102	B6LS	85
B4L	100	B3FS	97
B5L	98	B4FS	94
B6L	94	B5FS	91
B1F	110	B6FS	85
B2F	105	B3KL	93
B3F	102	B4KL	91
B4F	100	B5KL	88
B5F	98	B6KL	83
B6F	94	B3KF	93
B1FR	109	B4KF	91
B2FR	104	B5KF	88
B3FR	101	B6KF	83
B4FR	98	B3KM	96
B5FR	96	B4KM	94
B6FR	92	B5KM	91
B3R	95	B6KM	86
B4R	90	B3KR	98
B5R	85	B4KR	96
B6R	81	B5KR	93
B3K	99	B4KV	93
B4K	96	B5KV	88
B5K	93	B6KV	84
B6K	89	B5RR	81
B3LV	100	B4GL	94
B4LV	96	X3FV	96
B5LV	93	X4FV	93
B3FV	100	X3LS	96
B4FV	96	X4LS	92
B5GL	91	C5LS	95
B6GL	86	C4KL	98
B4GF	94	C4KF	98
B5GF	91	C4KM	98
B6GF	86	C4KR	99
B4GR	88	X1L	103
B5GR	82	X2L	101
B6GR	77	X3L	99
B4GK	90	X4L	96
B5GK	85	X5L	92
B6GK	81	X1F	103
B5RG	79	X2F	101
B4GG	81	X3F	99
B5GG	77	X4F	96
H1L	109	X5F	92
H2L	105	X3LV	96
H3L	103	X4LV	93
H4L	101	P4L	90
H5L	99	P5L	86
H6L	95	P2F	95
H1F	109	P3F	93
H2F	105	P4F	90
H3F	103	P5F	86
H4F	101	P4G	82
H5F	99	P5G	76
H6F	95	N1L	78
H3FR	102	N1XL	83
H4FR	99	N1K	85
H5FR	96	N1R	76
H6FR	93	N1GL	72
H4K	98	N1GF	78
H5K	95	N1GR	73
H6K	92	N1GG	68
C1L	108	X3FS	96
C2L	105	X4FS	92
C3L	103	X4KL	92
C4L	101	X4KF	92
C5L	99	X4KV	91
C1F	108	X3KM	96
C2F	105	X4KM	92
C3F	103	X4KR	95
C4F	101	X4G	89
C5F	99	X5G	84
C4LV	99	X4GK	88
C4FV	99	P2L	95
C4LS	98	P3L	93

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

[FR Doc.75-17703 Filed 7-7-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definitions of Small Business; Corrections

1. In 40 FR 23843, dated Tuesday, June 3, 1975, the parenthetical sentences added to § 121.3-8(a)(1) by Revision 13, Amendment 2 (40 FR 17138), were inadvertently omitted. Section 121.3-8(a) as amended by Revision 13, Amendment 4, should read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(a) * * *

(1) Small if the average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million: *Provided, however,* That if 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in Schedule H of this part, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from the effective date of this amendment, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.)

* * * * *

Dated: June 23, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-17653 Filed 7-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10492, Amdt. SFAR 26-8]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulations No. 26 (SFAR 26), as amended by Amendments SFAR 26-1, 26-2, 26-3, 26-4, 26-5, 26-6, and 26-7 until July 2, 1976.

SFAR 26 provides for approvals on a selective basis of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date

of March 1, 1972, for SFAR 26 was extended by Amendment SFAR 26–1 to September 1, 1972, by Amendment SFAR 26–2 to January 1, 1973, by Amendment SFAR 26–3 to July 1, 1973, by Amendment SFAR 26–4 to January 1, 1974, by Amendment SFAR 26–5 to July 1, 1974, by Amendment SFAR 26–6 to January 1, 1975, and further extended by Amendment SFAR 26–7 to July 1, 1975.

At the present time the United States has entered into new bilateral agreements with the United Kingdom, Sweden, Belgium, Netherlands, Israel, Italy, Germany, and France, and the United States is continuing to negotiate amendments to the bilateral agreements which exist with a number of other foreign countries. However, the FAA is advised that the continuing negotiations will not be concluded by the July 1, 1975, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from July 1, 1975, to July 2, 1976.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, effective July 1, 1975, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26–1, SFAR 26–2, SFAR 26–3, SFAR 26–4, SFAR 26–5, SFAR 26–6 and SFAR 26–7, published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, 37 FR 28276, 38 FR 17491, 38 FR 35441, 39 FR 25228, and 40 FR 2576) on March 2, 1972, August 19, 1972, December 22, 1972, July 2, 1973, December 28, 1973, July 9, 1974, and January 14, 1975, respectively, is further amended by striking out the words "July 1, 1975" and inserting the words "July 2, 1976" in place thereof.

Issued in Washington, D.C. on June 30, 1975.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.75–17555 Filed 7–7–75;8:45 am]

[Airworthiness Docket No. 75–WE–42–AD, Amdt. 39–2256]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been failures of the forward ring on the S-duct assembly aft of the forward articulating joint due to cracks that could result in separation of this joint. This condition could cause ingestion of the separated parts into the number two center engine and, consequently, could result in number two center engine shutdown and a flow of air into the fuselage afterbody. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections and repairs, as necessary, on the S–ducts of certain Lockheed-California Company L–1011–385–1 series airplanes. The airplanes are described in this AD as within either a Part I. or Part II. configuration, for the purposes of compliance.

The Lockheed Alert Service Bulletin, referenced in this AD, describes the airplanes within either configuration. Certain airplanes may also have been modified since delivery. Operators must ascertain the configuration and serial numbers of their airplanes for compliance with this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L–1011–385–1 series airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible failures of the forward ring on the S-duct assembly aft of the forward articulating joint due to cracks, accomplish the following:

I. *Lockheed Serials 1001 through 1037.* All airplanes listed in paragraph 1.A.(1) of Lockheed Alert Service Bulletin 093–54–A019, Revision 1, dated June 5, 1975, or later FAA-approved revisions, shall be inspected and repaired as follows:

(a) For those airplanes with 4,500 total flight hours or more total time in service on the effective date of this AD, within the next 250 flight hours time in service, unless previously accomplished, perform (1) a visual inspection of the S-duct structure at the forward articulating joint per the instructions of paragraph 2A(1)(2)(3) of the above referenced Service Bulletin, or later FAA-approved revisions; and (2) a dye-penetrant inspection, consisting of either alternative method set forth in paragraphs 2A(4) or 2A(5) of the Service Bulletin, referenced above. If ring cracks are found, repair as necessary.

(b) For all airplanes with less than 4,500 hours total flight hours time in service on the effective date of this AD, unless previously accomplished, perform the initial visual and dye-penetrant inspections and repairs, as necessary, prior to accumulating 4,500 flight hours total time in service, or 250 additional hours in service after the effective date of this AD, whichever occurs later, as described in paragraph (a), above.

(c) Notwithstanding (a) and (b), above, all airplanes, unless previously accomplished, must have the initial visual and dye-penetrant inspections and repairs, as necessary, described in paragraphs 2A(1) (2) (3) (4) or (5) of the Service Bulletin referenced above, accomplished within 90 days after the effective date of this AD.

(d) The visual inspections of paragraph (a)(1), above, must be accomplished at intervals not to exceed 800 hours additional time in service, per the instructions of paragraph 2A(1)(2)(3) of the Service Bulletin referenced above.

(e) Depending on which of the two alternative visual and dye-penetrant methods are used, repeat, at intervals not to exceed 1,600 flight hours (first alternative) or 2,400 flight hours (second alternative) time in service, thereafter, the visual and dye-penetrant inspection of paragraph (a), above, per the instructions of paragraphs 2A(4) or 2A(5) of the Service Bulletin, referenced above. If cracks are found, repair as necessary.

(f) The inspections and repairs required by this AD, Part I, may be discontinued when a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, is incorporated into the airplane. (The manufacturer is now developing a modification for this purpose. A Service Bulletin 093–54–019 will describe the modification).

NOTE.—Some airplanes in the 1001 through 1037 Series may have been delivered with an S-duct forward articulating joint incorporating Part II. Configuration leaf spring alignment units subsequent to delivery. If this condition exists, the inspections and repairs of Part II, below, are to be accomplished instead of Part I.

II. *Lockheed Serials 1038 through 1135.* All airplanes listed in paragraph 1.A.(2) of Lockheed Alert Service Bulletin 093–54–A019, Revision 1, dated June 5, 1975, or later FAA-approved revisions, shall be inspected and repaired as follows:

(a) For those airplanes with 5,000 flight hours or more, but less than 6,000 flight hours total time in service on the effective date of this AD, prior to accumulating 6,000 flight hours total time in service, or 250 flight hours additional time in service from the effective date of this AD, whichever occurs later, unless already accomplished perform the inspections and repairs described in (c), below.

(b) For those airplanes with more than 6,000 flight hours time in service on the effective date of this AD, within the next 250 flight hours additional time in service, unless already accomplished, perform the inspections and repairs described in (c), below.

(c) Perform a one-time visual inspection of the S-duct per the instructions of paragraph 2B., of the above referenced Service Bulletin, or later FAA-approved revisions.

(1) If no damage is found no further inspections are required.

(2) If damaged units or worn attachment holes are found, perform the corrective actions and repetitive visual inspections per the instructions of paragraph 2A(2)(e) of the above referenced Service Bulletin.

(3) If cracks are found in the forward ring, perform the corrective actions and repetitive visual and dye-penetrant inspections per the instructions of paragraph 2A(2)(f) of the above referenced Service Bulletin.

(d) Within 15 calendar days of performing the inspections of (c), above, submit a written report of the results of these inspections and repairs to: Chief, Aircraft Engineering Division, FAA Western Region, PO. Box 92007, Worldway Postal Center, Los Angeles, California 90009 (Reporting approved by the Bureau of Budget Under BOB No. 04–R–R–10174).

Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective July 14, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on June 26, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-17556 Filed 7-7-75;8:45 am]

[Airworthiness Docket No. 75-WE-26-AD, Amdt. 39-2255]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331-1, -2, -3, -5, and -6 Series Engines

Amendment 39-2198 (40 FR 20268), AD 75-10-05, requires: Inspection of the fuel pump and control drive backlash; modification of the torque sensor assembly mounting arm, as necessary; and, installation of this modification before exceeding the engine operating time in service at the manufacturer's recommended mid-term inspection or overhaul. This action is required because several failures have occurred which can result in complete power loss. After issuing Amendment 39-2198, the agency determined that one engine serial number was improperly listed and the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it has been found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2198, (40 FR 20268), AD 75-10-05, is amended by amending the applicability table in pertinent part as follows:

Model	*Serial Number Effectivity*
TPE331-1-151A	P-92249, P-92336 through P-92356.
TPE331-2-201A	P-90281 through P-90294, P-90296.
TPE331-3U/3UW-303G	P-03108, P-03109, P-03112 through P-03193, P-03195, P-05031 through P-05048.

This amendment becomes effective July 11, 1975.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655 (c))

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-17558 Filed 7-7-75;8:45 am]

[Airworthiness Docket No. 74-WE-18-AD, Amdt. 39-2253]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-1-151B, -2-201C, -3U-307G, -5-251C, -2-251K and -6-251M Engines

Amendment 39-1842 (39 FR 16873), AD 74-10-10, as amended by Amendment 39-1868 (39 FR 20189), requires a modification and recurring inspection of the fuel control assembly mounting and support bracket fasteners and provides for termination of these recurring inspections when an improved support bracket is installed. This action is required because loosening of this support can cause improper operation of the fuel control resulting in erratic engine power response. After issuing Amendment 39-1868 the agency determined that the modifications described in both the original and amended versions were deficient in that the nuts used to secure the support had insufficient bearing area to prevent deformation of the bracket mounting slots. Therefore, the AD is being further amended to require the addition of washers under the nuts which fasten the support bracket to the appropriate engine split line flange to correct this condition.

Since a situation exists that required immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1868, (39 FR 20189), AD 74-10-10, is further amended as follows:

1. Add a new paragraph (f) to read:

(f) If the replacement of the support bracket required by paragraph (a), above, has not already been accomplished on the effective date of this amendment to the AD, this modification, when accomplished, must be done in accordance with the instructions contained in paragraph 2.B. of AiResearch Service Bulletin TPE331-73-0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

2. Add a new paragraph (g) to read:

(g) If the replacement of the support bracket required by paragraph (a), above, has already been accomplished, at the next inspection required by paragraph (b), above, install the three (3) washers, P/N 960C10, and bolts, P/N MS21279-14, as required, per paragraph 2.B. of AiResearch Service Bulletin TPE331-73-0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

3. Add a new paragraph (h) to read:

(h) If the modification described in paragraph (d), above, has already been accomplished, before exceeding an additional 100 hours time in service after the effective date of this AD, as amended, unless already accomplished; or, when accomplishing paragraph (d), install the three (3) washers, P/N 960C10 and bolts P/N MS21279-14, as required, per paragraph 2.B. of AiResearch Service Bulletin TPE331-73-0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

This amendment becomes effective July 11, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-17559 Filed 7-7-75;8:45 am]

[Airworthiness Docket No. 74-WE-52-AD, Amdt. 39-2254]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331-1, -2, -3, -5, and -6 Series Engines

Amendment 39-2054 (39 FR 44439), AD 74-26-11, as amended by Amendments 39-2092 (40 FR 6771) and 39-2214 (40 FR 22126), requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. This action is required because of several failures that have occurred in the oil supply tube which can result in failure of the high speed pinion gear bearings.

After issuing Amendment 39-2214, the agency determined that the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being further amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2054, (39 FR 44439), AD 74-26-11, as amended by Amendments 39-2092 (40 FR 6771) and 39-2214 (40 FR 22126) is further amended by amending paragraph (2), in pertinent part, at line 6, to read:

(2) * * * TPE331-3UW-303G, S/N 03181 through 03197, 05043 through 05052; * * *

This amendment becomes effective July 11, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc. 75-17557 Filed 7-7-75;8:45 am]

[Docket No. 14769, Amdt. No. 975]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 14, 1975:

Ephrata, WA—Ephrata Municipal Arpt., VOR Rwy 20, Amdt. 16.
Hobbs, NM—Lea Co. (Hobbs) Arpt., VOR Rwy 3 (TAC), Amdt. 14.
Hobbs, NM—Lea Co. (Hobbs) Arpt., VOR TAC Rwy 21, Amdt. 1.
Lamar, CO—Lamar Municipal Arpt., VOR Rwy 18, Amdt. 7.
Moses Lake, WA—Grant County Arpt., VOR Rwy 3, Orig.
Moses Lake, WA—Grant County Arpt., VOR Rwy 14L, Amdt. 7.
Moses Lake, WA—Grant County Arpt., VOR Rwy 21, Orig.
Moses Lake, WA—Grant County Arpt., VOR Rwy 32R, Amdt. 13.
Worland, WY—Worland Municipal Arpt. VOR Rwy 16, Amdt. 2.

* * * effective June 19, 1975:

Lancaster, PA—Lancaster Arpt., VOR/DME Rwy 26, Amdt. 1.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective July 17, 1975:

Dayton, OH—James M. Cox-Dayton Municipal Arpt., LOC (BC) Rwy 24R, Amdt. 2, cancelled.
Dayton, OH—James M. Cox-Dayton Municipal Arpt., LOC Rwy 24R, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 14, 1975:

Moses Lake, WA—Grant County Arpt., NDB Rwy 32R, Amdt. 8.

* * * effective July 17, 1975:

Kenansville, NC—Duplin County Arpt., NDB Rwy 22, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 14, 1975:

Moses Lake, WA—Grant County Arpt., ILS Rwy 32R, Amdt. 10.

* * * effective July 17, 1975:

Los Angeles, CA—Los Angeles Int'l Arpt., ILS Rwy 24L/R, Amdt. 8.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 14, 1975:

Newport News, VA—Patrick Henry Arpt., RADAR-1, Orig., cancelled.
Norfolk, VA—Norfolk Regional Arpt., RADAR-1, Amdt. 5, cancelled.
Portsmouth, VA—Chesapeake Portsmouth Arpt., RADAR-1, Amdt. 1, cancelled.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 14, 1975:

Hobbs, NM—Lea Co. (Hobbs) Arpt., RNAV Rwy 12, Orig.
Moses Lake WA—Grant County Arpt., RNAV Rwy 21, Amdt. 4.

Correction

In Docket Nr. 14624, Amendment 970 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 3, 1975, under §§ 97.23, 97.27, 97.29 and 97.31, effective July 10, 1975—Change effective date of Troy, AL, Troy Municipal Arpt., VOR-A, Orig. NDB Rwy 7, Orig., ILS Rwy 7, Orig., RADAR-1, Orig., to July 17, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 26, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-17560 Filed 7-7-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.713]

PART 8—ADVISORY COMMITTEE MANAGEMENT

The Department of State proposed in the FEDERAL REGISTER on April 3, 1975 (40 FR 15060-15062) a new Part 8 in Title 22 of the Code of Federal Regulations entitled Advisory Committee Management.

Interested persons were invited to submit written comment for consideration by April 30, 1975. The one comment received concerned a procedural aspect which is covered in the regulations and operations of the advisory committees and no change was made.

The proposed regulations are adopted as set forth below.

Effective date. These regulations are effective May 30, 1975.

For Secretary of State.

[SEAL] LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Sec.
8.1 Authorities.
8.2 Policy.
8.3 Scope.
8.4 Definitions.
8.5 Creation of a Committee.
8.6 Membership.
8.7 Security.
8.8 Chartering of Committees.
8.9 Meetings of Advisory Committees.
8.10 Reports.
8.11 Records.
8.12 Financial Records.
8.13 Availability of Records.
8.14 Public Inquiries.

AUTHORITY: (22 U.S.C. 2658); sec. 8(a) Federal Advisory Committee Act (Pub. L. 92-463); Executive Order 11769; and OMB Circular A-63, Rev.

§ 8.1 Authorities.

(a) *Regulatory Authorities.* (1) These regulations are issued to implement the Federal Advisory Committee Act, P.L. 92-463, which became effective January 5, 1973, and Office of Management and Budget Circular No. A-63 of March 27, 1974. These regulations also are in accordance with Executive Order 11769 of February 21, 1974, and the responsibilities of the Secretary of State under 22 U.S.C. 2656.

(2) These regulations apply to any advisory committee which provides advice to the Department of State or any officer of the Department. However, to the extent that an advisory committee is subject to particular statutory provisions,

which are inconsistent with the Federal Advisory Committee Act, these regulations do not apply.

(b) *Delegated Authority.* (1) The Deputy Under Secretary for Management has been designated by the Secretary (Delegation of Authority No. 125 signed November 7, 1972) to have full responsibility for the Committee Management function.

(2) The Advisory Committee Management Officer in the Management Systems Staff administers the Committee Management Program for the Deputy Under Secretary for Management.

§ 8.2 Policy.

(a) Advisory Committees are to be used for obtaining advice and recommendations on matters for which they were established, and may be utilized only when the information sought is not otherwise efficiently and economically available.

(b) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions and any decision taken pursuant to the advice or recommendation of an advisory committee is the responsibility of the appropriate Department officer. For the purposes of this provision, "Presidential directive" includes an executive order or executive memorandum.

(c) Meetings of advisory committees will be open to the public unless there is a compelling reason which requires nondisclosure of the subject matter in accordance with public law (5 U.S.C. 552 (b)).

§ 8.3 Scope.

(a) The Federal Advisory Committee Act applies to committees "established" by the Government and to committees "utilized" though not established by the Government.

(1) The President and the Congress, or the Department in consultation with the Office of Management and Budget, may *establish* a group which shall be known as an advisory committee for the purpose of obtaining advice or recommendations and which shall be subject to the Federal Advisory Committee Act throughout its existence.

(2) Though not established by the President or the Department, a group *utilized* for the purpose of obtaining advice or recommendations must file a charter prior to a meeting, and otherwise conform to the requirements of the Act during any meetings or other contacts with the Department.

(b) One requisite for coverage of either type (established or utilized) under the Federal Advisory Committee Act is that the group can be defined as a committee as set forth in the definition of a committee, as contained in § 8.4 of these regulations, and have all or most of the following characteristics:

(1) The purpose, objective or intent is that of providing advice to any officer or organizational component of the Department;

(2) Has regular or periodic meetings;

(3) Has fixed membership (membership may include more than one full time Federal officer or employee but is not comprised wholly of Government personnel);

(4) Has an organizational structure (e.g., officers) and a staff.

(c) Where a group provides some advice to an agency, but the group's advisory function is incidental to and inseparable from other operational functions such as making or implementing decisions, the Federal Advisory Committee Act does not apply.

(d) Where the advisory function of a group is separable from its operational function, the group is subject to the Act to the extent that it operates as an advisory committee.

§ 8.4 Definitions.

(a) The Federal Advisory Committee Act defines advisory committee as any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is—

(1) Established by statute or reorganization plan, or

(2) Established or utilized by the President, or

(3) Established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except a committee composed wholly of full-time officers and employees of the Government.

(b) A formal sub-group or sub-committee independently possesses significant requisites of an advisory committee, i.e., fixed membership, periodic meetings, et cetera.

(c) An informal sub-group or subcommittee is one that facilitates the activities of its advisory committee. For example, during a particular meeting, the advisory committe may divide itself into sub-groups to permit simultaneous discussion of different topics.

§ 8.5 Creation of a Committee.

(a) A bureau or an office designated or desiring to sponsor an advisory committee will prepare a memorandum to the Advisory Committee Management Officer setting forth the purpose, organization (including subgroups), proposed balanced membership (see § 8.6), and a justification for the need of the particular committee.

(b) The Advisory Committee Management Officer will review the request and will make an action recommendation to the Deputy Under Secretary for Management through the Director of the Management Systems Staff.

(c) If the Deputy Under Secretary for Management approves the request, it will be submitted to the Committee Management Secretariat of the Office of Management and Budget for approval. The OMB Secretariat will usually take action within 15 days.

(d) The Advisory Committee Management Officer will advise the sponsoring bureau or office of the approval for or rejection of the request to establish the advisory committee.

(e) After OMB approval the intent to establish an advisory committee, containing a description of the committee and a statement of why it is in the public interest to create it, will be published in the FEDERAL REGISTER at least 15 days prior to filing the committee charter.

§ 8.6 Membership.

(a) The act requires a balanced membership in terms of the points of view represented. Members are selected for their expertise in the committee's functions and should be chosen from different vocations having knowledge in the subject.

(b) It is Department policy that members will be selected without regard to national origin, religion, race, sex, or color.

(c) The committee office will keep the Advisory Committee Management Officer currently advised of a committee's membership including vacancies.

§ 8.7 Security.

(a) All officers and members of a committee must have a security clearance for the subject matter level of security at which the committee functions.

(b) The responsible committee office will provide the Advisory Committee Management Officer with each member's security clearance level and date of issue.

(c) The substantive office sponsoring an advisory committee is responsible for access to and removal from official premises of classified material in accordance with the Department's security regulations (5 FAM 940 and 973). Any questions arising involving security procedures are to be presented to the Office of Security for guidance and resolution.

§ 8.8 Chartering of committees.

(a) *Requirements.* (1) Each advisory committee, whether established or utilized, must have a charter approved by the Deputy Under Secretary of State for Management and filed with the Advisory Committee Management Officer, the Senate Foreign Relations Committee and the House Committee on International Relations, and in the case of a Presidential advisory committee only with the Committee Management Secretariat of OMB before it can hold a meeting.

(2) Formal subgroups may be chartered separately or the requisite information set forth in the charter of the parent committee.

(3) Informal subgroups may not require a charter; however, the charter of the parent committee must cover this aspect of its organization.

(4) The Advisory Committee Management Officer will, at the time a charter is filed, furnish a copy of the filed charter to the Library of Congress.

(b) *Contents.* Each committee charter shall contain: the official name and acronym, if any; the objectives, scope of activity, and full description of duties;

the authority for such functions; the Department official (by title) to whom the committee reports; the relationship to or with other committees; the committee organization, composition of membership and officers' responsibilities; a description of the type of minutes, with their certification of accuracy, and records to be maintained; the estimated annual operating costs in dollars and man-years, and the source and authority for these resources; the period of time that will be required by the committee to accomplish its stated purpose; the estimated number and frequency of meetings; the termination date; and the filing date of the charter.

(c) *Termination and Renewal.* (1) An existing advisory committee will be automatically terminated at the end of a 2-year period (i.e., date specified in charter) unless its charter is renewed, except for a statutory committee which has provisions providing to the contrary.

(2) The Deputy Under Secretary for Management will make a determination, based on a comprehensive review, whether or not a committee will be continued.

(3) The OMB Secretariat will be advised of the determination and reasons therefore 60 days prior to the charter expiration date of the committee. If the Secretariat concurs, the Advisory Committee Management Officer will publish in the FEDERAL REGISTER the Department's intent to continue those advisory committees so designated by the Deputy Under Secretary for Management.

(4) Each office responsible for an advisory committee it wishes to continue will prepare a new charter and submit it to the Advisory Committee Management Officer before October 1 biennially.

(5) No advisory committee shall meet, advise or make recommendations between the expiration date of its charter and the date its new charter is filed.

(d) *Amendments.* (1) The charter of a committee may be amended, as necessary, to reflect current information on organization, composition, activities, et cetera.

(2) A proposed amendment must be approved prior to any committee activity to which the proposed amendment relates.

§ 8.9 Meetings of advisory committees.

(a) *Applicability.* The term "meeting" covers any situation in which all or some of the members of an advisory committee convene with a representative of the Department to transact committee business or to discuss matters related to the committee. This is applicable to an advisory committee and to its subordinate components.

(b) *Designated Department Official.* (1) No advisory committee may hold a meeting in the absence of the designated full-time Department or other U.S. Government officer.

(2) The designated Department or other U.S. Government officer has the following responsibilities:

(i) Prepares or approves the agenda for all meetings;

(ii) Calls or approves in advance the calling of the meetings;

(iii) Adjourns any meeting whenever he or she determines that adjournment is in the public interest.

(c) *Notice of Meetings.* (1) All advisory committee meetings, open or closed, will be publicly announced except when the President of the United States determines otherwise for reasons of national security.

(2) Notice of each such meeting shall be published in the FEDERAL REGISTER and in a Department of State Press Release at least 15 days prior to the meeting date.

(3) The responsible committee office will prepare the notice and press release, obtaining clearances as set forth in (i) and (ii) below, and deliver to the Advisory Committee Management Officer for action:

(i) *Open meeting*—clearance within initiating office/bureau;

(ii) *Closed meeting*—clearance within initiating office/bureau including its legal adviser, and the Bureau of Public Affairs at the Bureau level.

(4) The Deputy Under Secretary for Management will determine if an advisory committee may hold a closed meeting, after a request for a meeting not open to the public is cleared by the Advisory Committee Management Officer and the Office of the Legal Adviser.

(5) After the clearances set forth in § 8.9(c) (3) and (4), a notification of meeting may also be provided by the office/bureau to any persons or organizations known to be interested in the activities of the committee.

(6) The office sponsoring the committee is responsible for meeting publishing date requirements. Overall normal processing time prior to a meeting date is 25 days for an open meeting and 47 days for a closed meeting.

(d) *Contents of Notice.* (1) The content of the Federal Register public notice and the Department of State press release will be identical.

(2) An *open meeting* announcement will state the name of the committee; the date, time, and place of the meeting; the agenda or summary thereof; that the meeting will be open to the public; the extent to which the public may participate in the meeting, either orally or in writing; seating space available; and the name and telephone number of a committee officer to whom inquiries may be directed, including arrangements for those attending if the meeting is in a secure building.

(3) A *closed meeting* announcement will state the name of the committee, the date of meeting and the reason or reasons which justify the closing of the meeting in the public interest.

(e) *Closed Meetings.* (1) An advisory committee meeting may be closed in accordance with the Federal Advisory Committee Act when the President or Department determines that the meeting is concerned with matters listed in section 552(b) of Title 5, United States Code.

(2) Any determination to close all or a part of a meeting must be based upon specific reasons. If a meeting is to cover separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(3) When a meeting or portion of a meeting is to be closed to the public, the notice should state the reasons for the closing.

(4) The written request in accordance with § 8.9(c)(4) for a determination by the Deputy Under Secretary for Management that a committee may hold a closed meeting must be submitted at least 47 days before the scheduled date of the meeting unless the Deputy Under Secretary for Management determines that a shorter period of time is necessary.

(f) *Cancelled Meetings.* (1) The cancellation of a scheduled committee meeting must be publicized without delay.

(2) The responsible committee office will prepare a public notice and press release and hand-carry them to the Advisory Committee Management Officer as soon as the decision to cancel the meeting is made.

(3) The notice and press release will state the name of the advisory committee, identify the meeting that is cancelled, and state why it is cancelled. The FEDERAL REGISTER data, if known, concerning the announcement should be cited.

(g) *Rescheduled Meetings.* When it is not feasible to hold an advisory committee meeting on the date that has been announced such meeting may be rescheduled for a later date by utilizing the same procedure as set forth in § 8.9(f) except the word rescheduled is substituted for cancelled.

(h) *Minutes.* (1) *Detailed minutes* of each advisory committee meeting, including subgroups, shall be kept.

(2) The minutes for an *open meeting* shall as a minimum cover the following items: the time and place of the meeting; a listing of advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; a description of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(3) The minutes for a *closed meeting* shall include all that is required for an open meeting except those items relating to the presence of the public.

(4) The chairman of each advisory committee shall certify the accuracy of the committee minutes.

§ 8.10 Reports.

(a) There are two categories of reports on advisory committees. One category is concerned with management and the other with advisory activities.

(b) Management reports include:

(1) *Comprehensive Review.* An annual review shall be conducted on a calendar year basis to determine the essentiality

of the committee. The results of that Review are included in the Annual Report. The due date is *October 1.*

(2) *Annual Report.* A calendar year report which covers the status of the committee. It is a component report for the President's annual report to the Congress. The due date is *December 31.*

(3) *Report of Closed Meeting(s).* A summary of the activities and related matters discussed by a committee during a closed meeting shall be prepared annually. It is to be as informative as possible for the public consistent with section 552(b) policy of the Freedom of Information Act.

(4) *Other Reports.* Other management reports that may be required, such as requests from the Office of Management and Budget, Congressional Committees, et cetera, will be submitted in accordance with the requested due date.

(c) Advisory activities reports are reports issued by the committee. They are to be submitted, when prepared in final as a committee document or published, on a current basis.

(d) All reports are submitted to the Advisory Committee Management Officer.

(1) The Comprehensive Review is signed by the responsible committee officer and approved by the bureau/office policy making officer. It is submitted in original only.

(2) The Annual Report will be prepared on Standard Forms 248 and 249 in original and one copy. (Instructions for preparation are printed on the back of the forms.)

(3) The Report of Closed Meeting(s) is signed by the committee chairman and submitted in original and 8 copies.

(4) The advisory activities reports are submitted in 9 copies each, except Presidential advisory committee reports are submitted in 12 copies.

§ 8.11 Records.

(a) The records of an advisory committee consist of all papers and documents which are prepared for or by and/or made available to the committee, and are maintained by the office responsible for the committee. Such records are *inter alia* agenda, drafts, minutes, notices, press releases, reports, studies, transcripts, and working papers.

(b) The Advisory Committee Management Officer maintains the Department's official records relating to the management of all committees.

§ 8.12 Financial records.

Accurate records will be kept by the responsible committee office of all operating and salary costs of a committee. (See instruction item 17 on SF-248).

§ 8.13 Availability of records.

The records of a committee are to be made available upon request in accordance with the Department's regulations promulgated in accordance with the provisions of the Freedom of Information Act (40 FEDERAL REGISTER 7256-7259, February 19, 1975.)

§ 8.14 Public inquiries.

Public inquiries concerning the implementation of the Federal Advisory Committee Act and the management of the advisory committees of the Department should be addressed to the Advisory Committee Management Officer, Management Systems Staff, Department of State, Washington, D.C. 20520.

[FR Doc.75-17585 Filed 7-7-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Final Regulations; Correction

In FEDERAL REGISTER Docket 75-282 appearing at page 23252 in the FEDERAL REGISTER of Wednesday, May 28, 1975, the following changes should be made:

1. On page 23255, first column, in paragraph (g) of § 2205.7, in the ninth line of that paragraph, the reference to "§ 2205.54(i)" is corrected to refer to "§ 2205.54(h)(2)".

2. On page 23261, third column, in paragraph (c)(1)(C) of § 2205.48, the subparagraphs numbered "(1)" and "(2)" are corrected to be numbered (ii) and (iii), respectively.

3. On page 23262, first column, paragraph (d) of § 2205.48 is corrected by, in the third line of that paragraph, changing the word "other" to "order."

4. On page 23262, third column, in paragraph (h) of § 2205.48, the subparagraph numbered "(A)" is corrected to be renumbered "(2)".

5. On page 23263, first column, the fourth line of § 2205.51 is corrected by deleting "(Docket No.———, FR ———, dated ———)" and substituting therefor "(Docket No. 75-309, 40 FR 10705, dated March 7, 1975)".

6. On page 23263, second column, paragraph (a)(3)(ii) of § 2205.54 is corrected by, in the first line thereof, deleting "of" and substituting therefor "or".

7. On page 23263, second column, paragraph (a)(3)(v) of § 2205.54 is corrected by, in the fourth line of that paragraph, deleting "used" and substituting therefor "used".

8. On page 23264, third column, paragraph (h) of § 2205.54 is corrected by, in the second line of that paragraph, deleting the word "Grants," and adding the words "In lieu of categorical grants" following the word "contribution" and immediately before the word "described".

9. On page 23265, first column, paragraph (h) of § 2205.54 is corrected by renumbering subparagraphs "(A)," "(A)(1)," "(B)," "(C)," and "(D)." The correct numbers are "(2)," "(2)(i)," "(ii)," "(iii)," and "(iv)," respectively.

10. On page 23268, second column, § 2205.73" is corrected by, in the seventeenth line of that section, changing "§ 2205.54(h)(4)" to read § 2205.54(h)(1)(iv)".

11. On page 23269, first column, paragraph (a) of § 2205.78 is corrected by, in the eleventh line of that paragraph, changing "diasters" to read "disasters".

12. On page 23269, second column, paragraph (c)(2) of § 2205.79 is corrected by deleting the words "Comment: (See previous comments on similar terms.)" The following word "Indicates" is corrected to read "Indicate".

Dated: June 17, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-17613 Filed 7-7-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-8—ATLANTA PLAN

Extension

On June 25, 1971, the Department of Labor published the Atlanta Plan (36 FR 12096). The Atlanta Plan is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Atlanta area, which includes Fulton, DeKalb, Cobb, Clayton, and Gwinnett Counties. The present Atlanta Plan expired on June 30, 1975. Therefore, in order to ensure positive efforts toward the elimination of minority underutilization in the Atlanta area construction industry, the establishment of a Revised Atlanta Plan will be proposed and, such a proposal will be published in the FEDERAL REGISTER prior to July 31, 1975. Due to the requirement that the proposed Revised Atlanta Plan be published for comment for at least 30 days prior to promulgation as a final rule the Atlanta Plan is hereby extended until the proposed Revised Atlanta Plan becomes effective.

Accordingly, Appendix A of the Atlanta Plan, § 60-8.30, must be included in all invitations or other solicitations for bids on Federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Atlanta area until the proposed Revised Atlanta Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Appendix A, § 60-8.30. The goals in Appendix A for the final year of the Plan will be applicable. Appendix A of the Atlanta Plan is available for inspection in the OFCC Regional Office, 1371 Peachtree Street, NE., Room 720, Atlanta, Georgia 30309 and the Office of the Director, OFCC, Room N3402,

200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17505 Filed 7-7-75;8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.1—Public Use of Archives and FRC Records

AVAILABILITY OF RECORDS

Section 105-61.101 is amended to include requirements for loaning of archival records for exhibit.

Section 105-61.101§1(f) is added to read as follows:

§ 105-61.101-1 General.

* * * * *

(f) Certain documents in the custody of NARS are available for exhibit, but are loaned only if the exhibitor meets exacting requirements regarding security, insurance coverage, and humidity and temperature control of the exhibit area. These requirements may be obtained by writing to General Services Administration (NE), Washington, DC 20408.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective on July 8, 1975.

Dated: June 27, 1975.

ARTHUR F. SAMPSON,
Administrator.

[FR Doc.75-17579 Filed 7-7-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-761]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Station Records of TV Translators and FM Transistors and FM Boosters

In the matter of amendment of §§ 74.765, 74.1265, 74.781 and 74.1281 of the rules pertaining to station records of TV translators and FM translators and FM boosters.

1. By Order adopted May 28, 1975, in the above-captioned proceeding (FCC 75-623, released June 5, 1975), the Commission rectified an omission in the television translator, FM translator, and FM booster rules by specifying where station records are to be maintained. Apparently, it was quite clear with respect to nonlicensee owned translators, i.e., translators licensed to persons or entities other than the licensees of the primary stations, but some confusion has arisen as to whether it was intended to require primary station licensees to maintain translator station records only in the communities of license of the translators. It was not.

2. The purpose of the Order was to clarify the rules, not to impose any additional burdens on licensees or on the Commission's field personnel. Primary station licensees now generally maintain all station records at their studios or other principal places of business where they are readily available during business hours. To require them to disperse these records to various places in countless small communities where they may have translators would defeat the purpose of the rule changes. Accordingly, the rules are being amended to correct this oversight and to make it clear that the translator and FM booster station records of FM boosters and licensee-owned translators may be kept either in one of the principal communities of the translator or FM booster or at the place where the primary station records are maintained, so long as the identity of the person keeping the records and the address are posted at the translator or FM booster site.

3. These amendments to the rules are adopted pursuant to the authority contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended. Since the changes are qualifications, i.e., interpretative, the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

4. *Accordingly, it is ordered,* That, effective July 9, 1975, §§ 74.781 and 74.1281 of the Commission's rules are amended as set forth below.

Adopted: June 24, 1975.

Released: June 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 74.781, paragraph (c) is amended to read as follows:

§ 74.781 Station records.

* * * * *

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator, except that the station records of a translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.765(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

* * * * *

2. In § 74.1281, paragraph (c) is amended to read as follows:

§ 74.1281 Station records.

* * * * *

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

* * * * *

[FR Doc.75-17635 Filed 7-7-75;8:45 am]

[1] Commissioners Hooks and Quello absent.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS: GENERAL

PART 229—CURRENT GOOD MANUFACTURING PRACTICE FOR CERTAIN OTHER DRUG PRODUCTS

Reorganization and Republication; Correction

In FR Doc. 75-7952 appearing at page 13996 in the FEDERAL REGISTER of Thursday, March 27, 1975, on page 14033:

1. In the 21st line of § 229.25(a), the cross reference to "Part 640" should read "Subchapter F". The cross reference was incorrectly converted during this recodification from "Part 73 of Title 42" to "Part 640 of this chapter." Part 73 of Title 42 had been transferred to 21 CFR Part 273 in a notice published in the FEDERAL REGISTER of August 9, 1972 (37 FR 15993) and later reorganized into nine parts under Subchapter F in a recodification published in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048).

2. The following paragraph was inadvertently dropped and is being restored to read as follows:

(b) The criteria in §§ 211.10, 211.20, 211.30, 211.40, 211.42, 211.55, 211.58, 211.60, 211.62, 211.80, 211.101, and 211.110 shall also apply in determining whether the manufacture, processing, packing, or holding of any such drug conforms to, or is operated or administered in conformity with, current good manufacturing practice to the extent that these criteria are not inconsistent with the provisions of Subchapter F of this chapter.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17594 Filed 7-7-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Mecloqualone and the Thiophene Analog of Phencyclidine in Schedule I

A notice of proposed rulemaking issued May 9, 1975 by the Administrator of the Drug Enforcement Administration, and published in the FEDERAL REGISTER on May 29, 1975 (40 FR 23306) proposed that Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include mecloqualone, and the thiophene analog of phencyclidine (1-[1 - (2 - thienyl) cyclohexyl] piperidine). All interested persons were given until July 1, 1975 to submit comments, objections and requests for a hearing in the matters. The notice further provided that if all interested persons waive their opportunity to request or participate in a hearing, the Administrator may, without a hearing, issue his final order pursuant to 21 CFR 1308.48 after giving consideration to any comments submitted.

In view of the fact that no comments, objections, or requests for a hearing have been received, the Acting Administrator has determined that all interested persons are deemed to have waived their opportunity for a hearing in the matters, and a final order with respect to controlling the above substances shall be issued without a hearing pursuant to 21 CFR 1308.48.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Acting Administrator of the Drug Enforcement Administrations finds that:

1. Based on information now available, mecloqualone and the thiophene analog of phencyclidine have a high potential for abuse.

2. Mecloqualone and the thiophene analog of phencyclidine have no currently accepted medical use in treatment in the United States.

3. There is a lack of accepted safety for use of mecloqualone and of the thiophene analog of phencyclidine under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended to read:

§ 1308.11 Schedule I.

* * * * *

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 4-bromo - 2,5 - dimethoxyamphetamine 7391
Some trade or other names: 4 - bromo - 2,5 - dimethoxy - α-methylphenethylamine; 4-bromo-2,5-DMA.

(2) 2,5-dimethoxyamphetamine 7396
Some trade or other names: 2,5 - dimethoxy - α - methylphenethylamine; 2,5-DMA.

(3) 4-methoxyamphetamine 7411
Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine; PMA.

(4) 5-methory-3,4 - methylenedioxy amphetamine 7401

(5) 4 - methyl - 2,5 - dimethoxyamphetamine 7395
Some trade and other names: 4 - methyl - 2,5 - dimethoxy-α - methylphenethylamine; "DOM"; and "STP".

(6) 3,4 - methylenedioxy amphetamine 7400

(7) 3,4,5-trimethoxy amphetamine 7390

(8) Bufotenine 7433
Some trade and other names: 3 - (β - Dimethylaminoethyl) - 5 - hydroxyindole; 3-(2-dimethylaminoethyl) - 5 - indolol; N, N - dimethylserotonin; 5 - hydroxy - N,N - dimethyltryptamine; mappine.

(9) Diethyltryptamine 7434
Some trade and other names: N,N-Diethyltryptamine; DET.

(10) Dimethyltryptamine 7435
Some trade or other names: DMT.

(11) Ibogaine 7260
Some trade and other names: 7 - Ethyl - 6,6β,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido [1′, 2′:1,2] azepino [5, 4-b] indole; tabernanthe iboga.

(12) Lysergic acid diethylamide 7315

(13) Marihuana 7360

(14) Mescaline 7381

(15) Peyote 7415

(16) N-ethyl-3-piperidyl benzilate 7482

(17) N-methyl-3-piperidyl benzilate 7484

(18) Psilocybin 7437

(19) Psilocyn 7438

(20) Tetrahydrocannabinols 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ6 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(21) Thiophene Analog of Phencyclidine
Some trade or other names:
1-[1-(2-thienyl) cyclohexyl] piperidine;
2-Thienyl Analog of Phencyclidine;
TPCP

(e) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone 2572

* * * * *

Effective dates. Based on investigations conducted by the Drug Enforcement Administration, the Acting Administrator hereby finds that mecloqualone, in the past, has been clandestinely manufactured for purposes of distribution and diversion outside legitimate drug channels. A most recent investigation has revealed that this clandestine manufacturing activity continues.

The Acting Administrator finds that Congress intended that the Attorney General "* * * should not be required to wait until a number of lives have been destroyed or substantial problems have already arisen before designating a drug as subject to controls of the [Act] * * *" H.R. Rep. No. 91-1444 (part 1) 91st Cong. 2d Sess. 35 (1970).

Considering the danger inherent in mecloqualone as a drug meeting the criteria for inclusion into Schedule I, and considering that Congress intended that controls apply to drugs in a preventative manner, the Acting Administrator hereby finds, based upon the above, that the public health, as well as safety, necessitate the placement of Schedule I controls

upon mecloqualone at a date earlier than thirty days from the date of publication of this order in the FEDERAL REGISTER.

Therefore, pursuant to § 1308.48 of Title 21 of the Code of Federal Regulations, the dates on which this order is to take effect are as follows:

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports mecloqualone, or the thiophene analog of phencyclidine, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of title 21 of the Code of Federal Regulations on or before August 11, 1975, with respect to the thiophene analog of phencyclidine, and on or before July 10, 1975, with respect to mecloqualone.

2. *Security.* Mecloqualone, and the thiophene analog of phencyclidine must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72 (a), 1301.73, 1301.74(a)–(c), (e)–(f), 301.75(a), (c), and 1301.76 of Title 21 of the Code of Federal Regulations. Compliance with the above shall be required on or before August 11, 1975 with respect to the thiophene analog of phencyclidine, and shall be required on or before July 10, 1975 with respect to mecloqualone. In the event this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for an extension of time submitted to it on or before the respective required dates of compliance.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of mecloqualone, packaged after July 10, 1975, and all labels on commercial containers of, and all labeling of the thiophene analog of phencyclidine, packaged after August 11, 1975, shall comply with the requirements of §§ 302. 1-03–1302.05, and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act) 21 U.S.C. 802 (14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time submitted to it before the respective required dates of compliance.

4. *Quotas.* All persons required to obtain quotas with respect to the thiophene analog of phencyclidine, and mecloqualone, shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations on or before August 11, 1975 as to the thiophene analog of phencyclidine, and on or before July 10, 1975 as to mecloqualone.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of mecloqualone, or of the thiophene analog of phencyclidine, shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of the thiophene analog of phencyclidine on hand, on August 11, 1975, and of all stocks of mecloqualone on hand, on July 10, 1975.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations, shall maintain such records on the thiophene analog of phencyclidine, and on mecloqualone, on the respective dates on which inventories of such substances are required to be taken, as hereinabove provided.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations, shall file such reports on the thiophene analog of phencyclidine, and on mecloqualone, on the respective dates on which inventories of such substances are required to be taken, as hereinabove provided, and on all subsequent transactions.

8. *Order forms.* Each distribution of the thiophene analog of phencyclidine after August 11, 1975, and of mecloqualone after July 10, 1975, shall be pursuant to an order form in accordance with Part 1305 of Title 21 of the Code of Federal Regulations.

9. *Importation and exportation.* All importation and exportation of the thiophene analog of phencyclilone on and after August 11, 1975, and of mecloqualone on and after July 10, 1975, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal liability.* Pursuant to Title 21 of the Code of Federal Regulations, § 1308.48, the Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to mecloqualone which is not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after publication of this order, shall be unlawful, except that any person not now registered to handle mecloqualone, but who is entitled to registration and who has submitted an application to the Drug Enforcement Administration for registration, on or before July 10, 1975, as herein before provided, shall be permitted to conduct normal business or professional practice with mecloqualone between the date on which this order is published and the date on which he obtains or is denied registration.

The provisions of this paragraph shall apply with respect to the thiophene analog of phencyclidine, except that any person not now registered to handle the thiophene analog of phencyclidine, but who is entitled to registration and who has submitted an application on or before August 11, 1975, as hereinabove provided, shall be permitted to conduct normal business or professional practice with the thiophene analog of phencyclidine between the date on which this order is published and the date on which he obtains or is denied registration.

11. *Other.* In all other respects, this order is effective on August 11, 1975 with respect to the thiophene analog of pencyclidine, and on July 10, 1975 with respect to mecloqualone.

Dated: July 3, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-17856 Filed 7-7-75;8:47 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Exempt Cemetery Companies and Crematoria

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 8, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 8, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under sections 501(c)(2) and 501(c)(13) of the Internal Revenue Code of 1954, relating to exempt title holding companies, and to exempt cemetery companies and crematoria respectively.

The reason for these amendments is to make clerical changes in the regulations under section 501(c)(2), so as to reflect the revision of section 514 by the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 543); to reflect changes made in section 501(c)(13) by the Act of December 31, 1970 (Pub. L. 91–618, 84 Stat. 1855), exempting certain crematoria from the corporate income tax; to clarify the standards for exemption under section 501(c)(13); and to help identify when certain transfers to cemetery companies and crematoria are in exchange for equity interests rather than for debt obligations.

Amendment to the regulations. In view of the foregoing, the Income Tax Regulations (26 CFR Part 1) under sections 501(c)(2) and 501(c)(13) of the Internal Revenue Code of 1954 are revised as follows:

PARAGRAPH 1. Section 1.501(c)(2)–1(a) is amended to read as follows:

§ 1.501(c)(2)–1 Corporations organized to hold title to property for exempt organizations.

(a) A corporation described in section 501(c)(2) and otherwise exempt from tax under section 501(a) is taxable upon its unrelated business taxable income. For taxable years beginning before January 1, 1970, see § 1.511–2(c)(4). Since a corporation described in section 501(c)(2) cannot be exempt under section 501(a) if it engages in any business other than that of holding title to property and collecting income therefrom, it cannot have unrelated business taxable income as defined in section 512 other than debt financed income which is treated as unrelated business taxable income solely because of section 514; or certain interest, annuities, royalties, or rents which are treated as unrelated business taxable income solely because of section 512(b)(3)(B)(ii) or (15). Similarly, exempt status under section 501(c)(2) shall not be affected where certain rents from personal property leased with real property are treated as unrelated business taxable income under section 512(b)(3)(A)(ii) solely because such rents attributable to such personal property are more than incidental when compared to the total rents received or accrued under the lease, or under section 512(b)(3)(B)(i) solely because such rents attributable to such personal property exceed 50 percent of the total rents received or accrued under the lease.

PAR. 2. Section 1.501(c)(13) is amended to read as follows:

§ 1.501(c)(13) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cemetery companies and crematoria.

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(Sec. 501(c)(13) as amended by Act of December 31, 1970 (Pub. Law 91–618, 84 Stat. 1855))

PAR. 3. Section 1.501(c)(13)–1 is amended to read as follows:

§ 1.501(c)(13)–1 Cemetery companies and crematoria.

(a) *Nonprofit mutual cemetery companies.* A nonprofit cemetery company may be entitled to exemption if it is owned by and operated exclusively for the benefit of its lot owners who hold such lots for bona fide burial purposes and not for the purpose of resale. A mutual cemetery company which also engages in charitable activities, such as the burial of paupers, will be regarded as operating in conformity with this standard.

(b) *Nonprofit cemetery companies and crematoria.* Any nonprofit corporation, chartered solely for the purpose of the burial, or (for taxable years beginning after December 31, 1970) the cremation of bodies, and not permitted by its charter to engage in any business not necessarily incident to that purpose, is exempt from income tax, provided that no part of its net earnings inures to the benefit of any private shareholder or individual.

(c) *Preferred stock*—(1) *In general.* (i) Any cemetery company or crematorium which fulfills the other requirements of section 501(c)(13) may be exempt, even though it issues preferred stock at par entitling the holders to dividends at a fixed rate, not exceeding the legal rate of interest in the State of incorporation or 8 percent per annum whichever is greater, on the value of the consideration for which the stock was issued, provided that its articles of incorporation require that all funds not

needed either for the care and improvement of cemetery property or for the payment of dividends, shall be used currently for the retirement of such stock at par. For purposes of this paragraph (c)(1)(i), amounts set aside for the future retirement of such preferred stock shall not be treated as having been used for its "current" retirement until such stock is actually retired, except in the case of amounts set aside for the redemption of preferred stock issued before August 6, 1975, pursuant to a legal obligation requiring such set asides.

(ii) For taxable years beginning before January 1, 1978, a cemetery company or crematorium which issues preferred stock as provided in the preceding paragraph (c)(1)(i), shall not fail to be exempt solely because its articles of incorporation require:

(A) That the preferred stock shall be retired at par as soon as sufficient funds available therefor are realized from sales, and

(B) That all funds not required for the payment of dividends upon or for the retirement of preferred stock shall be used by the company for the care and improvement of the cemetery property.

(2) *Legal rate of interest.* For purposes of this paragraph, the term "legal rate of interest" shall mean the rate of interest prescribed by law in the State of incorporation which prevails in the absence of an agreement between contracting parties fixing a rate.

(d) *Sales to exempt cemetery companies and crematoria.* Except as otherwise provided in paragraph (c) (with respect to preferred stock), a cemetery company or crematorium is not exempt from income tax if property is transferred to such organization in exchange for an equity interest. In determining whether property is transferred to a cemetery company or crematorium in exchange for an equity interest, as opposed to being transferred for a bona fide debt obligation, consideration will be given to all the facts and circumstances surrounding the transfer including the following factors:

(1) Whether there is a written unconditional promise to pay on demand or on a specified date a sum certain in money in return for an adequate consideration in money or money's worth, and to pay a fixed rate of interest; and

(2) Whether there is subordination to, or preference over, any indebtedness of the company.

(e) *Convertible debt obligations.* A cemetery company or crematorium is not exempt from income tax under section 501(c)(13) if it issues debt obligations after July 7, 1975, which are convertible into the preferred stock of the company.

[FR Doc.75-17678 Filed 7-7-75;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

PAROLE OF ALIENS INTO THE UNITED STATES; TERMINATION OF PAROLE

Proposed Rulemaking

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 212.5(a) and (b), to provide that no alien shall be paroled into the United States under a refugee program, or under a claim of asylum program to Part 108 of this title, if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion or if he refuses to make a sworn statement with respect thereto.

It is proposed to add a sentence following the existing first sentence. The existing first sentence and the added new sentence will constitute § 212.5(a). Immediately following the new paragraph (a) a new paragraph (b) "Termination of parole", will follow, which will include the existing second and third sentences of (a). The present paragraph (b) is to be redesignated (c), but is otherwise not changed. The purpose of the proposed amendment is to implement the Indochinese parole program.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by August 8, 1975, will be considered.

In the light of the foregoing it is proposed to amend Part 214 of Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

It is proposed to amend § 212.5 to read, in its entirety, as follows:

§ 212.5 Parole of aliens into the United States.

(a) *General.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the Act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the Act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I-352, as such officer shall deem appropriate. No alien shall be paroled into the United States under a refugee program or under a claim of asylum pursuant to Part 108, if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion or if he refuses to make a sworn statement with respect thereto.

(b) *Termination of parole.* At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed. If the exclusion order cannot be executed by deportation within a reasonable time, the alien shall again be released on parole unless in the opinion of the district director the public interest requires that the alien be continued in custody.

(c) *Advance authorization.* When parole is authorized for an alien who will travel to the United States without a visa, the alien shall be issued Form I-512.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Dated: July 1, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-17628 Filed 7-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A8, AO-254-A7]

LIMES GROWN IN FLORIDA AND AVOCADOS GROWN IN SOUTH FLORIDA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendments of Marketing Agreements and Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911) and to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), (hereinafter referred to collectively as "the Orders" unless referred to individually) regulating the handling of limes grown in Florida and the handling of avocados grown in South Florida, respectively.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by August 1, 1975. The exceptions should be filed in quadruplicate. All written sub-

missions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The proposed further amendments of the marketing agreements, as amended, and orders, as amended, were formulated on the record of a public hearing held at Homestead, Florida, on April 10, 1975. Notice of the hearing was published in the March 14, 1975, issue of the FEDERAL REGISTER (40 FR 11876). The proposals contained in the notice of hearing were submitted by the Florida Lime Administrative Committee and the Avocado Administrative Committee.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Revise the procedure for nominating persons to fill grower and handler positions on the committees, to permit nominations by mail in District 2 and change the period used to determine the volume for weighting the vote of each handler;

(2) Revise the assessment provisions which limit the rate to 10 cents per 55 pounds of fruit for administrative purposes and 10 cents per 55 pounds for research and development;

(3) Authorize production research;

(4) Authorize four shipping holidays not exceeding 6 days each at July 4, Labor Day, Thanksgiving, and Christmas;

(5) Require the Avocado Administrative Committee to submit to the Secretary a marketing policy report for the ensuing season, prior to recommending seasonal regulations;

(6) Revise the tolerances in the lime order applicable to the quantity of limes each handler would be permitted to ship in excess of his allotment; and

(7) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

1. The provisions of each of the orders in §§ 911.22 and 915.22 should be amended, as hereinafter set forth, to authorize the committees to conduct nominations by mail in District 2 in accordance with procedures recommended by the committees and approved by the Secretary.

Each of the orders is administered locally by a 9-member administrative committee, of which 5 are grower members and 4 handler members. Geographically, 4 grower and 3 handler members represent District 1 and 1 grower and 1 handler District 2. Such members are selected by the Secretary from nominees elected as specified in the order by the growers or handlers, as the case may be, or from among other eligible persons. Currently nominees are elected at meetings of growers and handlers in the respective districts. Only growers and handlers who are present at such meetings may vote in the election of nominees, except that growers who reside outside the production area may be represented at such meetings by authorized agents.

The production area for avocados includes the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas and all the area in Florida south of such counties. For limes the production area includes all of Florida except the area west of the Suwannee River. Under the avocado order, Dade County comprises District 1, and the balance of the production area comprises District 2. Under the lime order, Dade and Monroe Counties comprise District 1 and the balance of the production area District 2. The bulk of production of both commodities occurs in District 1 and this is reflected in the composition of the committees.

During the time the orders have been in effect, many of the lime and avocado plantings in District 2 have been replaced by grapefruit and oranges. The number of growers and handlers has declined in that district. Because of the relatively large area covered by District 2 and the longer distances involved, travel and program participation is more difficult for the growers and handlers in District 2 than for those in District 1. In order to participate in nomination meetings at a central location in this district, participants have had to travel up to 230 miles. This and the time involved has tended to inhibit active participation of growers and handlers in nominations. It is desirable to encourage participation in nominations and this could be accomplised by providing each District 2 grower and handler an opportunity to participate in the election of nominees for committee members and alternates by mail. Procedure for obtaining the names of candidates to be included on the ballots and the manner of voting could be prescribed in the rules and regulations under the program. For example, each grower and handler, as applicable, could be contacted by mail and requested to submit by a specified date the name of a candidate for each position to be filled. After the date has expired, all the names received would be listed on a ballot which would be mailed to growers or handlers, as applicable, with instructions for executing the ballot and returning it to the committee office for counting.

Current provisions of the order specify that in the nomination and election of handler nominees each handler's vote shall be weighted by the volume of limes or avocados, as the case may be, he shipped during the then current fiscal year. The fiscal year covers a 12-month period ending March 31 each year. Since the nominations are required to be submitted not later than February 15 each year, the volume used for weighting each handler's vote includes only the volume he handled during the fiscal year previous to the date on which the elections are held. This has resulted in the use of the volume of less than a fiscal year. It was advanced that a more appropriate volume to be used for such weighting would be the volume he handled during the calendar year ended just previous to the time the nominations are made. This would permit a full year's shipments to be used in the weighting, and as such year would end December 31, this would allow more ample time for the committee to compile each handler's record of shipments prior to the time the nomination meetings are held.

It is, therefore, concluded that the orders should be amended, as hereinafter set forth to provide for the election of nominees to fill committee positions by mail in accordance with procedures established by the respective committees with the approval of the Secretary, and to provide that each handler's vote shall be weighted by the volume of limes or avocados, as the case may be, shipped by such handler during the immediately preceding 12-month period January through December.

2. The orders should be amended, as hereinafter set forth, to revise §§ 911.41 and 915.41 *Assessments* to remove the maximum assessment limitations of 10 cents per 55 pounds of fruit for administrative purposes and 10 cents per 55 pounds of fruit for marketing research and development purposes and to retain the present total rate of assessment at not in excess of 20 cents per 55 pounds of fruit. Flexibility is needed so as to be able to meet the needs of the programs. For example, in the event of a hurricane or severe freeze, the crops of limes and avocados could be severely reduced, and the full 20 cents per bushel of fruit assessment rate could be required to cover administrative costs alone. Conversely, very large crops would likely require increased expenditures for market development and paid advertising, in order to expand markets for increased supplies of fruit. In addition, authority for production research if added as proposed would require increased funding for this activity. Removing the limitations on assessments for administration and for research and development, would add needed flexibility to the committees' ability to fund various programs, and the orders should be amended to effect the removal of such limitations. Since the record indicates that the provision of a 20 cents per bushel maximum assessment is desirable, it is concluded that such maximum should be retained.

3. The provisions of the orders contained in §§ 911.45 and 915.45 *Marketing research and development* should be amended, as hereinafter set forth, to include authority for the committees to engage in production research projects, in addition to presently authorized marketing research and development activities. The orders presently contain authority for committee expenditures on marketing research and development

projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes and avocados after they leave the farm gate. The record indicates that there are a number of problems related to the production of these fruits which are in need of solution to assure efficient production.

The committees have conducted several marketing research projects in recent years aimed at maintaining or improving the market quality of limes and avocados. During that time, it has become obvious that some of the most serious fruit quality problems arise in the groves prior to and during harvest. Addition of authority permitting the conduct of production research would enable the committees to seek solutions to such problems in an organized manner. Such authority should be broad enough to include the study of any problem connected with growing and harvesting of limes and avocados. Some such problems relate to keeping quality. For example, stylar end breakdown was cited as an important production problem for limes. Though stylar end breakdown shows up mostly in distribution channels and in retail stores, it appears that the contributing causes are located mainly at the grove level. In avocados, maturity is difficult to measure. This record shows there is a need for developing more precise criteria for determining maturity.

Other lime problems include weed control which has been costly and chiefly limited to mechanical means. Preliminary tests indicate chemicals have shown promise for weed control, but additional research is needed to find chemical weed control agents which are effective in eliminating the types of weeds indigenous to lime groves in the production area. Also disease is a serious problem in lime groves and has resulted in reduced production. Treatment costs have increased greatly. Hence there is a need for increased knowledge in disease control. On avocados areas other than maturity which were mentioned as needing research attention include variety selection, weed control, especially of vines and certain hardy woody weeds, and identification of more suitable root stocks.

While the authority should not be so limited, the committees should rely mainly on existing agencies engaged in research such as experiment stations, universities, and other qualified organizations to conduct production research studies. In many instances such agencies have the necessary equipment, laboratories, and personnel but lack funds for added work. The record indicates that partial funding of projects may expedite research by public agencies of studies most important to the lime and avocado industries.

As currently is required for marketing research, prior to engaging in any production research project the committee should submit to the Secretary for his approval plans for each project. The committees, when considering any project, should give consideration to the need for and benefits of the research and its costs. The committees should require progress reports on each project at reasonable intervals and specify that final results shall be made available in written report form. The cost of any such projects should be included in the budget submitted for approval.

4. The provisions of the orders contained in §§ 911.48 and 915.51 *Issuance of regulations* should be amended, as hereinafter set forth, to include authority for the committees to recommend and the Secretary to issue regulations limiting the shipment of the total quantity of limes and avocados by prohibiting shipments during any of four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day. Such period of prohibited shipments is commonly referred to as a "shipping holiday". The addition of such authority is needed to provide a means to prevent the buildup of excessive quantities of fruit in the markets and to balance supplies with demand in the markets during the slow demand period immediately following the specified holiday periods.

There is a tendency for shippers and others involved in the distribution of limes and avocados to overestimate the holiday demand for these fruits. Heavy shipments are sent to markets prior to the holiday periods and this results in a buildup of excessive supplies in distribution channels and the markets. When markets are oversupplied in the post holiday period and shipments are continued markets become demoralized and prices to growers drop to ruinous levels.

When markets are supplied to excess and the fruit does not move in accord with its normal shelf-life the fruit deteriorates and the fruit available to consumers is of a lesser quality than when the supply is in reasonable balance with the prevailing demand conditions. There is a delicate balance between the demand and the available quantity of fruit in the market place. Limiting shipments to markets during and immediately following the specified holidays, when demand is poor and sales are slow could avoid the excessive buildup of supplies at markets, provide consumers better quality fruit, and maintain grower prices and returns consistent with the act.

It is recognized that it may not be necessary to prescribe a shipping holiday for each of the specified holidays each season. Likewise, establishment for a full six-day period for any holiday period may not be appropriate. In developing any recommendation for such a holiday regulation the committee should consider the factors affecting the supply and demand as specified in the order and recommend accordingly.

In addition, the provisions of the order with respect to modification, suspension, or termination of the regulation would apply to such regulation. Hence, if the committee finds that, by reasons of changed conditions any such regulation should be modified, suspended, or terminated, it should so recommend. Likewise if the Secretary concurs or otherwise finds that such action should be taken to effectuate the declared policy of the act he should take such action.

5. Order No. 915 should be amended, as hereinafter set forth, to add a new § 915.49 *Marketing policy*. The section should provide that each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report should contain such information as is hereinafter set forth.

The avocado order does not include a requirement that the committee formulate and submit to the Secretary a marketing policy report. It does, however, require that whenever the committee considers recommendations for regulation, that it review pertinent crop and market information, prior to the recommendation of grade, size and maturity regulations.

It would be appropriate for the committee to prepare a formal analysis and report of anticipated production and prevailing harvesting, marketing and economic conditions each season, prior to the consideration of regulations. Such a report would be of considerable assistance to the committee and the Secretary, and would be in the best interests of the avocado industry, producers and consumers.

The analysis should include but not be limited to estimated total production of avocados by variety in the production area and in competing areas; anticipated bloom time and growing conditions during the development period; expected size and quality of the avocado crop; the anticipated demand for avocados; proper maturity at time of shipping; the anticipated supplies of competing products; existing and expected economic conditions; anticipated promotion by national organizations, and any other factors having a bearing on the marketing of avocados. Consideration should also be given to alternate product uses and expected exports and imports.

6. The provisions of § 911.57 *Overshipments* in Order No. 911 should be amended, as hereinafter set forth, to revise the tolerances applicable to the quantity of limes each handler would be permitted to ship in excess of his allotment during any week for which the Secretary has fixed the total quantity of limes which may be handled. Present provisions provide that any person who has received an allotment may handle, in addition to the total allotment available to him, 50 bushels or ten percent of such total allotment, whichever is greater.

The record indicates that during weeks of volume regulation handlers have tended to consider the overshipment tolerance as a part of their allotment and to ship the maximum allowable quantity. Such tolerance was intended primarily to provide flexibility to handlers in filling orders, when a small quantity

is needed to complete an order. It is recognized also that it is desirable to provide a margin for clerical errors in handler's calculations and for inadvertent errors by employees in assembling and loading shipments.

The practice by handlers of considering the overshipment tolerance as regular allotment has often complicated the deliberations of the committee in the development of recommendations for volume regulation. In order to allow for such practice the committee sometimes recommended an allotment about 10 percent lower than its best estimate of the anticipated market demand quantity. If this amount was set by the Secretary and some handlers did not overship, some opportunity to market fresh limes was lost to other handlers. At times, when the allotment set was closer to expected demand and all or most handlers overshipped the full 10 percent, markets were oversupplied. Hence it appears that the 10 percent overshipment tolerance results in a loss of precision in recommendations, and that such tolerance should be reduced. The record indicates that a two percent overshipment tolerance would be more appropriate if handlers were permitted to overship by 10 percent, with appropriate safeguards, during two weeks of each regulatory period to meet special circumstances. Establishment of the tolerance at the lower amount with such flexibility would enable the committee to develop recommendations with more precision and also retain flexibility permitting handlers to fill needs generated by merchandising and advertising programs.

The evidence indicates that the handler should notify the committee no later than the close of business on Thursday of a week of volume regulation of his intention to overship his allotment by 10 percent. If such handler overships by more than two percent but less than 10 percent, whether it be three percent, four, five percent, or any percentage less than 10, that week should be counted as one of the two weeks of 10 percent overshipments permitted under the recommended amendment. The record also indicates that should a handler overship by more than two percent during any week of volume regulation without the required prior notification to the committee, such shipments would be in violation of the order.

7. A proposal in the notice of hearing was that consideration should be given to making such other changes in the orders as may be necessary to make each of the orders conform to any amendments that may result from this proceeding. This proposal was supported at the hearing without opposition. However, no conforming changes are necessary.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed May 16, 1975, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. None was filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing agreements and orders and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The said orders, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The said orders, as amended, and as hereby proposed to be further amended, regulate the handling of limes and avocados grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, proposed marketing agreements and orders upon which hearings have been held;

(4) The said orders, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act:

(5) There are no differences in the production and marketing of limes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and the said order, as amended, and as hereby proposed to be further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of avocados covered thereby; and

(6) All handling of limes and avocados grown in the production areas is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreements and orders. The following amendment of the marketing agreements, as amended, and orders, as amended, are recommended as the detailed means by which the foregoing conclusions may be carried out:

PART 911—LIMES GROWN IN FLORIDA

1. Amend paragraphs (b) (1), (2), and (3) of § 911.22 *Nomination* to read as follows:

§ 911.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 911.41 *Assessments* to read as follows:

§ 911.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Amend § 911.45 *Marketing research and development* to read as as follows:

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

4. Amend § 911.48 *Issuance of regulation* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5), as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3).

The revised § 911.48 is amended to read as follows:

§ 911.48 Issuance of regulation.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof: *Provided,* That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

5. Amend § 911.57 *Overshipments* to read as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided,* That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further,* That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. Amend paragraphs (b)(1), (2) and (3) of § 915.22 *Nomination* to read as follows:

§ 915.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 915.41 *Assessments* to read as follows:

§ 915.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Amend § 915.45 *Marketing research and development* to read as follows:

§ 915.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of avocados. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 915.41.

4. The following new section is added immediately following § 911.45:

§ 915.49 Marketing policy.

Each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of avocados within the production area; (b) the expected general quality and maturity of avocados in the production area and in competing areas; (c) the expected demand conditions for avocados in different market outlets; (d) the expected shipments of avocados produced in the production area and competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of avocados; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for avocados, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

5. Amend § 915.51 *Issuance of regulations* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5) as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3).

The revised § 915.51 is amended to read as follows:

§ 915.51 Issuance of regulations.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of avocados by prohibiting the shipment thereof: *Provided,* That no such prohibition shall be effective during any fiscal period, other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

Signed at Washington, D.C., on July 2, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-17673 Filed 7-7-75;8:45 am]

[7 CFR Parts 1032, 1062]

[Docket Nos. AO-313-A28, AO-10-A50]

MILK IN SOUTHERN ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Southern Illinois and St. Louis-Ozarks marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before July 23, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements, and to the orders as amended, were formulated, was conducted at St. Louis, Missouri on February 19, 1975 pursuant to notice thereof which was issued on January 30, 1975 (40 FR 5163).

The material issues on the record of the hearing relate to:

1. Location adjustment credit on bulk milk transferred between pool plants; and

2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Location adjustment credit on bulk milk transferred between pool plants.* Location adjustment credit should apply under the Southern Illinois and St. Louis-Ozarks orders, respectively, to that quantity of Class I milk received from transferor pool plants that does not exceed an amount equivalent to 110 percent of the Class I disposition at the transferee-plant minus the volume of milk received directly from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants.

At present, the Southern Illinois order provides for location adjustment credit on transfers between pool plants to the extent that 105 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. The St. Louis-Ozarks order limits location credit on such transfers to the quantity of Class I disposition remaining at the transferee-plant after subtracting the volume assigned as Class I to receipts from other order plants and unregulated supply plants and 95 percent of receipts of milk received from producers at such plant.

Land O'Lakes, Inc., proposed that the factor utilized in computing the volume of milk eligible for location adjustment credit under the Southern Illinois order be increased to 115 percent of Class I utilization at transferee-plants. The proposal was supported by Wisconsin Dairies Cooperative, Meadowland Dairy Association, Mississippi Valley Milk Producers Association, and Prairie Farms Dairy, Inc. In combination, such cooperatives represent a majority of the producers supplying the Southern Illinois market.

Mid-America Dairymen, Inc., proposed that the 115 percent factor be utilized in the St. Louis-Ozarks order in computing the volume of milk eligible for location adjustment credit. The association operates four supply plants under the order and represents a substantial majority of the producers supplying the market.

Witnesses representing the cooperative proponents testified that nearby direct shipped milk is not adequate to meet market fluid milk needs at all times. Consequently, more distant supplies of milk are needed, which, proponents held, can be most efficiently and economically assembled through supply plants. They pointed out that handlers serving the fluid milk needs of the respective markets have changed from bottling milk 7 days per week to bottling milk on 5 or less days per week. In addition, they indicated that distributing plants have been expanded and are now more regional in nature. Thus, they suggested, there is an increasing need for supply plants to implement the tailoring of receipts to meet the bottling needs of distributing plants. Under these circumstances, they urged that there was need for location adjustment credits on a greater volume of the bulk milk transferred from supply plants to distributing plants.

One of the proponent cooperatives operates a supply plant at Pine Island, Minnesota, which is the most distantly located supply plant pooled under the Southern Illinois market. Due to the plant's location and the fact that location credits are applied after the Class I use at the transferee-plant is assigned first to those supplies received directly, and then in sequence to plant transfers involving the least transportation cost, not all of the bulk milk shipped from the Pine Island plant to distributing plants receives location adjustment credit. The cooperative's witness stated that during August 1974 through January 1975, the value of the adjustments which were not allowed amounted to more than $34,000. As a consequence, the returns available to the cooperative's members were reduced about nine cents per hundredweight on all milk pooled at that location during such period.

Because the cooperative does not receive location adjustment credit on all milk transferred from its supply plant to pool distributing plants, it has been unable to return as high a price to its producer members as the price received by other producers in the same production area who supply the Southern Illinois market on a direct-shipped basis. The association's witness indicated that the cooperative could rectify this situation by closing the Pine Island supply plant and shipping its member milk directly to distributing plants. However, he pointed out, the next most distant supply plant serving the market then would lose location credit on its transfers to distributing plants.

A cooperative association that operates five distributing plants and one supply plant pooled under the Southern Illinois order supported the proposal to revise the order provisions providing for location adjustment credit. The cooperative receives milk directly from the farms of its producer members and also receives milk from five supply plants, four of which are located outside the marketing area where location adjustments are applicable under the order. One of such supply plants is the Pine Island plant operated by a proponent cooperative.

The association's witness testified that three of its distributing plants with a combined Class I utilization of over 90 percent received 5,894,515 pounds of supply plant receipts during the August 1974 through January 1975 period which did not receive location adjustment credits. That volume represented about 8 percent of total supply plant receipts at the three distributing plants.

A witness representing a proprietary handler who operates two distributing plants pooled under the Southern Illinois order testified in opposition to the proposed amendments. Under the current order provisions all supply plant receipts at the handler's distributing plant received location credit during the March 1974–January 1975 period, except during the months of September, December and January. The witness stated that the reason that all supply plant shipments did not receive location credit was that more milk than was necessary to meet fluid needs was received at the distributing plant in order to permit the supply plant to meet shipping requirements for pooling.

Additionally, the handler opposed the proposed amendments on the basis that providing location credit on a greater quantity of supply plant milk would reduce the blend price. The witness stated that a reduction in the blend price would place the handler at a disadvantage in competing for supplies in Wisconsin with handlers regulated under other Federal orders. The witness further held that pool funds should not be utilized to pay the cost of transporting milk for cottage cheese or other Class II or III uses.

At the time of the hearing there were five supply plants pooled under the Southern Illinois order and located outside the marketing area. Two of such plants are located in Wisconsin (Belmont and Union Center), two in Iowa (Postville and Waukon) and one at Pine Island, Minnesota. Under the St. Louis-Ozarks order six supply plants were pooled, one located at Effingham, Illinois, and five in Missouri (Cabool, Jefferson City, Lebanon, Mountain Grove, and Springfield).

During the period August 1974 through January 1975, about 26 percent of total producer receipts pooled under the Southern Illinois order was associated with supply plants located outside the marketing area. Approximately 63 percent of such supply plant receipts (78,251,950 pounds) was shipped to distributing plants during that period. Of such receipts, 6,493,095 pounds did not receive location adjustment credit. Such volume represented 8.3 percent of the total volume of milk shipped by such supply plants during that period.

During August 1974 through January 1975, supply plant milk pooled under the St. Louis-Ozarks order accounted for about 30 percent of total producer receipts. About 51 percent of such supply plant receipts (119,258,299 pounds) was shipped to distributing plants during the same period. Of such receipts, 29,758,802 pounds of milk, or 25 percent of the total volume of milk shipped by supply plants to distributing plants regulated under the St. Louis-Ozarks order, did not receive location adjustment credit.

Location adjustment credit should be provided to supply plant operators who furnish distributing plants with milk for fluid use when locally direct-shipped milk is not available for such uses. It is necessary, however, to retain limits on location adjustment credits in order to insure that the pool does not subsidize hauling costs on milk unnecessarily moved between pool plants for other than Class I use.

If a handler were permitted to bring in supply plant milk for Class I use and channel the local supply into lower-valued uses, this would result in a lowering of returns to all producers on the market. Under the conditions existing in these markets it would be inappropriate to permit handlers who move milk to the central market for other than Class I uses to receive the transportation cost from pool proceeds. Milk not needed for Class I use reasonably should be processed into manufactured products at plants in the production area.

Whether or not an individual supply plant receives location adjustment credit should continue to be determined on the basis of whether the milk involved is needed in conjunction with the Class I utilization of the distributing plant receiving the milk. It is of course impossible for a distributing plant to utilize all of its receipts for Class I purposes due to the unavoidable losses, route returns, etc. In recognition of this fact the existing five percent tolerances were provided to insure recovery of transportation costs on all necessary transfers to the central market. The testimony at this hearing indicates that tolerances are not sufficient to encompass all of the unavoidable Class II and Class III uses at distributing plants which are primarily bottling operations.

The unavoidable Class II and Class III uses in the operation of a distributing plant include standardization (modification of the butterfat content of milk received from producers in the preparation of such milk for bottling use), shrinkage (plant losses in the processing and packaging of milk), route returns, Class III uses (shrinkage) accorded packaged fluid milk products transferred to other order plants, and approved dumpage.

Data illustrating the magnitude of such unavoidable Class II and Class III uses was presented by one of the proponent cooperative associations with respect to three of its bottling plants pooled under the Southern Illinois order. These plants which average in excess of 90 percent Class I utilization had unavoidable Class II and Class III uses for the August 1974 through January 1975 period amounting to 7.1 percent of the gross Class I use at such plants. The average for such uses ranged from a low of 6.5 percent in August to a high of 7.5 percent of gross Class I in January. However, on an individual plant basis, unavoidable Class II and Class III use ranged from a low of 4.1 percent at one plant in September to a high of 10.3 percent of gross Class I at a plant in December.

In his brief, a cooperative's representative pointed out that, on the basis of the cooperative's plant data, unavoidable surplus use could represent as much as 11.1 percent of Class I disposition. Such number was arrived at by totaling the high experiences of the cooperative association's three plants with respect to route returns, approved dumps, cream from standardization, shrinkage and two percent of other order transfers without regard to a specific plant or a specific month during the August through January period.

In addition, the cooperative's witness requested that inventory variations be considered as an unavoidable surplus use. It was his contention that 1.89 percent of Class I use was an appropriate factor to accommodate such variations.

Additionally, proponent requested that the location adjustment credit include a factor of 5.2 to cover the surplus uses that occur as a result of a distributing plant receiving only direct-shipped milk. He attempted to illustrate such increased surplus uses by presenting a hypothetical analysis of the utilization attainable at distributing plants with given bottling schedules and only direct-shipped receipts. Proponent assumed that each plant had storage facilities for two-days delivery and received the same volume of milk each day. He concluded that each plant would experience some surplus if the level of deliveries assured that each plant would never be short of bottling needs. With the given bottling schedule of each plant and the above assumptions, the maximum Class I utilization ranged from a low of 87.7 percent to a high of 95.1 percent.

In his brief proponent concludes that a factor of 114.05 percent of Class I use at a distributing plant should be used in determining the volume of bulk transfers eligible for location adjustment credits. Such percentage includes 6.96 of unavoidable Class II and Class III uses, 1.89 to cover inventory variation, and 5.2 to cover surplus that proponent hypothesizes occurs at distributing plants as a consequence of such plant receiving only direct-shipped milk. Proponent recommended that 115 percent be used for simplicity and stated that such percentage would have provided location credit on most, if not all, of his Pine Island supply plant shipments to the other proponent cooperative association's distributing plants serving the Southern Illinois market.

Proponents position of including a figure of 5.2 in his overall 115 percent factor to reflect increased efficiency of Class I use which he alleges results from reliance on supply plant shipments is not a basis for providing location credits to supply plant milk received in excess of Class I needs.

Data presented by the market administrator based on samples of plants regulated under the two orders indicate that unavoidable Class II and Class III uses range between 4.28 and 6.96 percent of Class I use. The average of such uses amounted to 5.59 percent.

This data indicated that standardization, on the average, represented 3.23 percent of Class I disposition by all distributing plants pooled under the orders during the August through January period. Standardization at such plants ranged from a low of 2.52 to a high of 3.77 percent of Class I disposition. Shrinkage averaged 1.51 percent of Class I utilization at 14 distributing plants that had a minimum of 85 percent Class I utilization for the months of October and December 1974. The range for shrinkage was 1.17 to 1.70 percent of Class I disposition. Route returns, based on a sample of three plants during September and October 1974, represented 0.76 percent of the volume of Class I items packaged, ranging from a low of .58 percent to a high of 1.23 percent. Packaged fluid milk products transferred to other order plants and allocated to Class III in the other order market represented between .01 percent and .26 percent (averaged .09 percent) of total Class I disposition.

Variation in ending inventory should also be considered as an unavoidable Class III use and be reflected in the assignment of location adjustment credits to plants which supply the bottling needs of distributing plants. The volume of ending inventories varies considerably, depending on whether the last day of the month is a day during which a handler packages substantial or limited quantities of fluid milk products. However, supply plants shipping to a distributing plant receive Class I location credits on the basis of the distributing plant's total Class I sales during the month exclusive of packaged fluid milk products in inventory. In the following month, the fluid milk products in ending inventory during the prior month are distributed on routes and are included in a plant's Class I sales on which location adjustment credits apply.

Data, for the August through January period, presented by the market administrator on eleven distributing plants receiving supply plant milk indicates that the variation of ending Class III inventory ranged from a low of .09 percent of Class I disposition to a high of 4.57 percent of Class I disposition. In most cases the variation in ending inventory amounted to 3 percent or less of such plants' Class I disposition.

Milk may be received at distributing plants which for one reason or another may have to be dumped by the receiving

handler. If such dumpage is approved by the market administrator, the milk so utilized is accorded a Class III utilization. Also, under circumstances where milk of poor quality is received at distributing plants, it is usually disposed of to manufacturing plants where it is utilized as Class III milk. Such losses, the record indicates are minimal. However, they do represent a minor unavoidable Class III use.

It is concluded on the basis of data presented by the market administrator that a distributing plant primarily engaged in the processing of fluid milk products reasonably could have unavoidable Class II and Class III uses up to 10 percent of its Class I disposition. Such factor recognizes that an efficiently operated distributing plant may experience unavoidable Class II and Class III uses of approximately 7 percent of its Class I disposition and in addition require an amount approximating 3 percent of the plant's Class I disposition to cover ending inventory variation and milk that for quality reasons is necessarily dumped or returned to manufacturing plants for processing during the month. This allowance of 10 percent will accommodate unavoidable surplus uses experienced at efficiently operated distributing plants for which a handler should recover transportation costs. Accordingly, the order should be amended to provide that transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and cooperative associations in their role as a handler of bulk tank milk and the volume assigned as Class I to receipts from other order plants and unregulated supply plants.

The effect on the blend price of either order by assigning location adjustment credits to all supply plant shipments which did not receive location credit during the August through January period would be minimal, even if it is assumed that all such receipts originated at the most distantly located supply plant serving each market. Thus, it is concluded that the recommended provisions provided herein would not place any handler in a position of being noncompetitive in procuring a supply of milk.

The provisions providing for location adjustment credit in both orders should be further modified to prevent the assignment of location credit to transfers of fluid cream items. This modification was requested by one of the proponent cooperative associations. The revision is appropriate since location adjustment credit should be applicable only on shipments necessary to meet the market's fluid milk needs. Fluid cream items are not a Class I use under either order. Both orders' provisions recommended herein are modified accordingly.

2. *Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.* Cooperative associations requested that a decision be issued as expeditiously as possible. No information of a compelling nature, however, was presented to conclude that the issuance of a recommended decision should be omitted. Consequently the request for emergency action, which was opposed by a witness representing a handler regulated under the Southern Illinois order, is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Southern Illinois and St. Louis-Ozarks marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In the Southern Illinois order, § 1032.52, paragraph (b) is revised to read as follows:

§ 1032.52 Plant location adjustments for handlers.

* * * * *

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the tranferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1032.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to receipts of fluid milk products from pool plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

* * * * *

2. In the St. Louis-Ozarks order, § 1062.52, paragraph (f) is revised to read as follows:

§ 1062.52 Plant location adjustments for handlers.

* * * * *

(f) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1062.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to receipts of fluid milk products from pool plants with plus location adjustment, then to receipts from plants with no location adjustment, and then in sequence to receipts from plants at which the smallest minus adjustments apply.

* * * * *

Signed at Washington, D.C., on July 2, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-17674 Filed 7-7-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 101, 112, 113, 114]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the

regulations relating to viruses, serums, toxins, and analogous products, in Parts 101, 112, 113, and 114 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments relax the restrictions on dividing serials of product between two producers, licensee and subsidiary, or two subsidiaries. By definition (§ 101.2(k)), a subsidiary is a corporation and as such its name and address appears on the labels for product it produces. A division is not necessarily a corporation and cannot appear on labels without the name and address of the producer. These amendments would include a definition of "Division" to clarify this distinction.

Inactivated liquid product may be exported in multiple-dose containers. These amendments would authorize the shipment of such products in concentrated form. These amendments would also add a new section to Part 113 to clarify the test requirements for material in such bulk shipments.

These amendments relax the requirements for reporting test results by limiting such requirements to tests prescribed in the filed Outline of Production or Standard Requirements for the product. They also relax the requirements for testing combination products by permitting the testing of live virus fractions and bacterin fractions separately.

These amendments would authorize the Deputy Administrator to permit preparation of biological products in one licensed establishment for another licensed establishment under emergency conditions. They would also authorize limited joint manufacture of product when two licensed establishments are owned by one person.

PART 101—DEFINITIONS

1. Section 101.2 is amended by adding a new paragraph (z) to read:

§ 101.2 Administrative terminology.

* * * * *

(z) *Division.* A marketing unit established by the licensee to be named on labels, advertisements and promotional material in addition to the name and address of the producer.

PART 112—PACKAGING AND LABELING

2. Section 112.8 is amended by adding a new paragraph (e) to read:

§ 112.8 For export only.

* * * * *

(e) Concentrated inactivated liquid product, completed except for dilution to the proper strength for use, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

PART 113—STANDARD REQUIREMENTS

3. Part 113 is amended by revising §§ 113.5(c), and 113.7(d) and by adding a new § 113.10 to read:

§ 113.5 General testing.

* * * * *

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Results of all required tests prescribed in the filed Outline of Production or the Standard Requirements for the product shall be submitted to Veterinary Services. Blank forms shall be furnished upon request to Veterinary Services.

* * * * *

§ 113.7 Multiple fractions.

* * * * *

(d) When an inactivated fraction(s) is used as a diluent for a live virus fraction(s), the inactivated fraction(s) may be tested separately and the live virus fraction(s) may be tested separately: *Provided,* That, the viricidal test requirements prescribed in § 113.85 are complied with.

* * * * *

§ 113.10 Testing of bulk material for export only.

When liquid product is prepared for export in large multiple-dose containers as provided in § 112.8 (d) or (e) of this subchapter, samples of the bulk material shall be subjected to all required tests prescribed in the filed Outline of Production or Standard Requirements for the product. Samples of concentrated liquid product shall be diluted to a volume equal to the contents of the sample times the concentration factor prior to initiating potency tests.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

4. Section 114.3 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read:

§ 114.3 Separation of establishments.

* * * * *

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment except as provided in paragraphs (c) and (d) of this section.

(c) In an emergency such as but not not limited to, mechanical failure of essential equipment at a licensed establishment, the Deputy Administrator may authorize the preparation of affected biological products in another licensed establishment for the duration of the emergency.

(d) When two licensed establishments are owned or controlled by one person responsible for all actions in both establishments, an exchange of ingredients, partially prepared products or serials of completed fractions of combination products may be made from one establishment to the other in a manner acceptable to Veterinary Services except that bulk shipments shall be limited to inactivated material plainly labeled "For Manufacturing Purposes Only."

5. Section 114.16 is amended by revoking paragraphs (a), (b), (b)(1), (b)(2), (c) and (d) and substituting a new paragraph to read:

§ 114.16 Producing subsidiaries.

A serial or subserial of a biological product may be produced jointly by a licensee and one or more subsidiaries, or by two or more subsidiaries. The exact amount of each serial or subserial credited to each participating producer shall be determined at the time of labeling and packaging and shall be noted in the records for such serial or subserial.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before August 7, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27(b)).

Done at Washington, DC, this day of July 2, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–17675 Filed 7–7–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116d]

EDUCATIONALLY DEPRIVED CHILDREN

Grants to State Educational Agencies for Programs To Meet the Special Educational Needs of Migratory Children

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in section 122 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241c–2) as enacted by Pub. L. 93–380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 116d to read as set forth below.

At present there are no guidelines related to Part 116d. Should such guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in the regulations.

1. *Program purposes; Amendments made by Pub. L. 93–380.* Part 116d as set forth in this notice of proposed rulemaking contains those provisions which are applicable to grants to State educational agencies under section 122 of Title I of the Act for programs for migratory children of migratory agricultural workers and migratory fishermen. Provisions of regulations previously published as permanent regulations in Part 116 governing grants to State educational agencies for migratory children of migratory

agricultural workers have been separated from the provisions for grants to other agencies and are now contained in proposed Part 116d. This new part also reflects new statutory provisions enacted by Pub. L. 93–380 pertaining to migratory children of migratory fishermen and use of the migrant student record transfer system, as well as provisions previously stated in guidelines and instructions for applications.

2. *Effect of Office of Education General Provisions Regulations.* Assistance provided under this part is also subject to applicable provisions contained in the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100–100c, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. 45 CFR Parts 100–100c relate to fiscal, administrative and property management, monitoring and reporting of program performance, accountability for Federal funds, and other matters. It should be noted that the program for migratory children under this part is considered to be a State-administered program which may involve financial assistance to local educational agencies as subgrantees; therefore, unless otherwise specified, the provisions of Part 100b of 45 CFR, rather than Part 100a, apply.

3. *Effect of Part 116.* A new Part 116, published as a notice of proposed rulemaking in the FEDERAL REGISTER in 40 FR 11472 (March 11, 1975) sets forth general requirements applicable to all programs funded under Title I of the Act including grants for programs for migratory children. Among the significant provisions in the new Part 116 which are applicable to programs under Part 116d are provisions pertaining to State administrative and technical assistance (§ 116.4), reports by State educational agencies (§ 116.7), withholding of payments by the Commissioner (§ 116.20), prohibitions against supplanting of State and local funds with Federal funds and against providing services which the applicant agency is required by law to provide (§ 116.30), the relation of Title I projects to other programs (§ 116.31), the use of education aides (§ 116.32), measurement of educational achievement and evaluation of programs (§ 116.33), dissemination and utilization of results of educational research and demonstrations (§ 116.34), public information (§ 116.35), administrative control of Title I property (§ 116.36), construction and equipment (§ 116.38), reimbursement for parent council expenses (§ 116.40), staffing for programs and projects (§ 116.41), and training (§ 116.42).

4. *New and clarified provisions.* The significant new and clarified provisions in this part are as follows:

(a) Section 116d.2 provides definitions of "fishing activity" and "migratory fishermen";

(b) Section 116d.3(a) provides that the application submitted by a State educational agency to the Commissioner under this part shall constitute the annual program plan which the applicant must submit as required by section 434 (b) of the General Education Provisions Act enacted by Pub. L. 93–380;

(c) Sections 116d.5 and 116d.6 concern the State educational agency's designation of and arrangements with agencies within the State which, either by service contract or, in the case of local educational agencies, by subgrant operate programs for migratory children;

(d) Section 116d.9 requires that the State educational agency either administer directly the construction of facilities and the acquisition of property and retain title to such property and facilities or, if title is in another public agency, retain the right to use such facilities and property in programs and projects under this part;

(e) Section 116d.22 sets forth the criteria by which the Commissioner will determine what amount of its total grant under this part a State educational agency is entitled to receive for any fiscal year;

(f) Section 116d.31 contains an expanded statement of the program description including the needs assessment to be set forth in each State educational agency's application. The introduction to this section contains a statement emphasizing how the special educational needs of migratory children may be related to their migrant status;

(g) Section 116d.32 clarifies the key functions of a State educational agency under this part and states which services performed by such agency are to be charged to program funds and which services are to be charged to administrative funds;

(h) Section 116d.36 sets forth the comparability requirement applicable to migrant programs. This requirement is mandated by section 122(a)(1)(C) of Title I. It necessarily differs from that requirement in § 116a.26 governing grants to local educational agencies. In § 116a.26, services provided with State and local funds in Title I project areas are compared to such activities provided in non-project areas. This comparison is not meaningful in the migrant program since the children's eligibility for services and a local educational agency's participation in the program is unrelated to any concept of geographic area. Rather, under this part, migratory children must have access to State and local facilities and receive services comparable to those ordinarily provided to non-migrant children residing in the same attendance area. An exception is made where a project for migratory children is initiated at a time when State and local facilites and services would not ordinarily be provided to non-migratory children.

Unlike § 116a.26, there is is requirement for a comparabilty report calling for numerical comparisons based on pupil-teacher ratio and per pupil expenditure for instructional staff. Rather, as a condition for approval of an application, there is a requirement for an assurance by the State educational agency that it shall not conduct a program for migratory children under this part through a local educational agency which does not meet the comparability requirement.

If, after an application is approved, the Commissioner finds that there has been a failure by the State to comply with the assurance regarding comparability in migrant programs, the provision of § 116.20 of Part 116 pertaining to withholding of funds by the Commissioner will apply. Failure to comply with Part 116a, § 116a.26, comparability requirements applicable to the program for grants to local educational agencies, will not affect a local educational agency's participation in the migrant program; conversely, failure to comply with § 116d.36 of this part will not affect a local educational agency's eligibility for funds under Part 116a.

(i) Section 116d.38 contains an expanded statement of the conditions under which supporting services (including day care) may be provided under this Part.

(j) Section 116d.37 specifies the required extent of parental involvement in the planning and implementation of State programs. This section mandates the establishment of one or more parent advisory councils in each State conducting a migrant program.

(k) Section 116d.39 expands and clarifies the criteria for approval of State educational agency applications.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between that citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education on August 27, 1975, in the auditorium of Regional Office Building Three (ROB–3) located at 7th and D Streets SW., Washington, D.C., beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, Room 2085, 400 Maryland Avenue SW., Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral com-

ments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance 13.429, Educationally Deprived Children—Migrants)

Dated: June 9, 1975.

T. H. BELL,
Commissioner of Education.

Approved: June 30, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116d.1 Applicability.
116d.2 Definitions.

Subpart B—Responsibilities of State Educational Agencies

116d.3 State applications.
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AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability.

(a) These regulations govern programs and project for which funds are provided under Title I of the Elementary and Secondary Education Act of 1965, as amended, to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(b) Except as otherwise provided, assistance under this Part is subject to applicable provisions contained in Part 116 (general requirements relating to Title I of the Act) and Part 100b of this chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 241c-2)

§ 116d.2 Definitions.

"Agricultural activity" means any activity related to crop production, including but not limited to soil preparation and storage, curing, canning or freezing of cultivated crops. Activities on farms or ranches related to the production and processing of milk, poultry, livestock (for human consumption) and fish are also considered to be agricultural activities. Under the foregoing definition, cutting, transporting, and sawing of timber are not considered to be agricultural activities. Operations involved in forest nurseries and fish farms, however, are considered to be agricultural activities.

(20 U.S.C. 241c-2)

"Currently migratory child" means a child who has moved with a parent or guardian within the past twelve months across a school district boundary or boundaries in order that a parent, guardian or member of his immediate family might secure temporary or seasonal employment in an agricultural or fishing activity. In those cases where the school district boundary coincides with a State boundary, "currently migratory child" means a child who has moved with a parent or guardian within the past twelve months across a school attendance area boundary or boundaries within the school district boundary in order that a parent, guardian or member of his immediate family might secure temporary or seasonal employment in an agricultural or fishing activity.

(20 U.S.C. 241c-2)

"Fishing activity" means any activity directly related to the raising and catching of fish and shellfish from streams, lakes, or oceans, and to the processing of such fish for initial distribution through commercial market channels.

(20 U.S.C. 241c-2)

"Formerly migratory child" means a child who, with the concurrence of his parents, is deemed to be a migratory child on the basis that he has been a currently migratory child as defined in this section but has ceased to be a currently migratory child within the last five years and currently resides in an area served by an agency carrying out a program or project under this part.

(20 U.S.C. 241c-2(a)(3))

"Migratory agricultural workers" means those persons who have moved from one school district in a State to another in the same State or to one in another State for the purpose of finding temporary or seasonal employment in one or more agricultural activities as defined above.

(20 U.S.C. 241c-2)

"Migratory fishermen" means those workers who have moved out of a school district to another in the same State or to one in another State for the purpose of finding temporary or seasonal employment in one or more fishing activities as defined above.

(20 U.S.C. 241c-2; Sen. Rept. No. 93-1026, p. 143 (1974))

"Project" means an activity or set of activities provided under this part to migratory children in a particular area by a State educational agency, either directly or through a particular local educational agency, which is designed to meet the purposes of the applicable State program as defined in this section.

(20 U.S.C. 241c-2)

"State program" means the overall plan for services, activities, personnel and materials set forth in a State application for a grant under this part to provide special education to migratory children of migratory agricultural workers and migratory fishermen.

(20 U.S.C. 241c-2)

Subpart B—Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) The State educational agency of any State may apply to the Commissioner for a grant under this part. The application submitted by the State educational agency under this section shall constitute the annual program plan required by section 434(b) of the General Education Provisions Act, and must be received no later than a date established by the Commissioner for the fiscal year in which the State program is to be operated.

(b) Each such application shall be signed by the chief executive officer of the State educational agency or his designated representative and contain the assurances required by this part and the information required by Subpart D of this part.

(c) The application shall include a certificate by the State attorney general or other appropriate State legal officer to the effect that the agency submitting the application has the authority under State law to perform the duties and functions of a State educational agency under Title I of the Act and the regulations in this part, including those arising from the assurances given.

(d) The application shall be set forth in the standard application form for Federal assistance (non-construction programs) as prescribed by § 100a.43, Part 100a of this chapter.

(20 U.S.C. 241c-2, 1232c(b))

§ 116d.4 Assurance by State agency as to use of payments.

Each application by a State educational agency for a grant under this part shall contain an assurance that except as provided in § 116d.32 for administra-

tive expenses, payments to a State educational agency under this part shall be used only for programs and projects carried out pursuant to an application approved by the Commissioner under this part, and which in all respects comply with the applicable requirements of Title I of the Act and the regulations in this part and the relevant provisions of Parts 100b and 116 of this chapter.

(20 U.S.C. 241c-2(a)(1)(A))

§ 116d.5 Designation of operating agencies.

The State educational agency in its application shall identify the agency or agencies it has designated to operate the proposed educational program for migratory children of migratory agricultural workers and migratory fishermen. If all or part of the State program is to be operated directly by the State educational agency, then such agency shall advise the Commissioner of the personnel and other resources in that agency (including any resources to be made available to that agency by service contract) that will be made available to conduct the program. If all or part of the State program is to be operated through a local educational agency or agencies as subgrantee(s), then the State educational agency shall advise the Commissioner of the names and locations of such agency or agencies.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.6 Arrangements with operating agencies.

The arrangements which a State educational agency makes with local educational agencies to operate projects under this part shall be set forth in the standard application form for Federal assistance (non-construction programs) as prescribed by Part 100a, § 100a.43 of this chapter. These documents shall describe the objectives to be achieved by the agency for each grade level, the total estimated number of children to be served by the agency by grade level, the services to be provided to achieve the stated objectives, the types and number of staff to be employed, and an appropriate budget. Each operating agency shall maintain records of all financial transactions pertaining to the project and shall provide timely financial reports including the financial status report prescribed by Part 100b, § 100b.403 of this chapter, and the performance report prescribed by Part 100b, § 100b.432 of this chapter, to the State educational agency. Within ten days after the State educational agency has approved a particular project, the State educational agency shall send the Commissioner a copy of the project application as approved by that agency. The Commissioner will review the project application to determine whether it conforms to the State program as set forth in the State application approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.7 Supervision of programs and projects.

Each State educational agency shall set forth in its application a description of the procedures and resources it proposes to use to insure that the proposed programs and projects will be carried out in accordance with the State application as approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1)(A), 1232c(b))

§ 116d.8 Amendments to applications.

The State educational agency's application must be appropriately amended prior to any material change in the administration of an approved State program, or in the organization, policies, or operations affecting an approved State program. All information required by Subpart D of this part and not previously provided shall be submitted to the Commissioner as an amendment to the application. Amendments will be required by the Commissioner if changes are made in Federal appropriations or laws governing an approved State program.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.9 Title and control of property.

Authority to acquire property, to construct and equip school facilities approved by the Commissioner, and to retain title to such property and facilities shall, unless precluded by law, be vested in the State educational agency. In the event the State educational agency is precluded by law from exercising the functions described in the preceding sentence, the authority to exercise such functions shall be vested in the appropriate State agency authorized by State law to exercise such functions. The State agency exercising such functions shall retain the right to use property and facilities acquired under this part and to move them to sites where such property and facilities can best be utilized for programs and projects under this part.

(20 U.S.C. 241e(a)(3), 241c-2(a)(1)(C), 1232c(b))

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amounts available for grants.

Except as provided in sections 124 and 125 of Title I of the Act, as amended, grants which may be made available for use in any State for any fiscal year under this part for programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen shall be determined in accordance with section 122(b) of Title I of the Act, as amended and for Puerto Rico, in accordance with section 122(b) of Title I and section 843 of Pub. L. 93-380. For the purpose of this section, the Commissioner will determine the number of migratory children in a State, including current and former migratory children, on the basis of statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c-2(b))

§ 116d.22 Entitlement.

(a) *Entitlement based on estimated cost of program.* The State educational agency of a State shall be entitled to receive a grant equal to the estimated cost of the program as approved by the Commissioner if the total amount available for a grant for a fiscal year has been determined in accordance with § 116d.21, and if the Commissioner has approved an application for a grant.

(b) *Informational basis for determining amount of entitlement.* The amount of the grant to which a State educational agency shall be entitled to receive under this section shall be determined by the Commissioner on the basis of the the best information available to him at the time he approves the application, including information on the number of children to be served and the nature and scope of the program. The Commissioner may redetermine this amount at any time during the fiscal year if the best information subsequently available should demonstrate a basis for such redetermination.

(c) *Consideration of costs of past and future activities and amount of available funds.* The information on which the Commissioner will determine the amount a State educational agency will receive under this section will include but not be limited to:

(1) The total amount available to the State agency for its grant under § 116d.21,

(2) The estimated cost of program activities completed to date under preceding grant awards and the number of children who have been or are being served,

(3) The estimated cost of other activities to be initiated before the end of the current project period (pursuant to the preceding grant award) and the estimated number of children to be served,

(4) The estimated cost of providing, if needed, special educational services that could be initiated before the end of the current project period and the number of children who could be served thereby if additional funds were made available, and

(5) The unused amount from the State educational agency's grant pursuant to the preceding grant award.

(20 U.S.C. 241c-2(a)(1), 241c-2(b))

(d) *Reallocation of excess funds.* If the Commissioner determines that the amount available for grants for a State as determined in accordance with § 116d.21 exceeds the amount determined to be needed under this section he shall, to the extent necessary, allocate such excess to other State educational agencies whose total amount available for

grants under § 116d.21 would otherwise be insufficient to serve eligible children in that State.

(20 U.S.C. 241c-2(b); Sen. Rep. No. 634, 91st Cong., 2nd Sess. 12-13 (1970))

§ 116d.23 Payments.

The Commissioner shall make all payments of funds under this part in accordance with the requirements set out in Subpart E of Part 100b of this chapter. The amount of the payments to a State educational agency under this part shall not exceed the amount of the grant to which that agency is entitled as determined by the Commissioner in accordance with § 116.22.

(20 U.S.C. 241c-2, 1232d)

§ 116d.24 Special arrangements by Commissioner to conduct migrant programs.

If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agriculturel workers or of migratory fishermen, or that it would result in more efficient and economic administration or, that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States and, for this purpose, he may use all or part of the total of grants available for any such State under this section.

(20 U.S.C. 241c-2(a)(2))

Subpart D—Program Requirements

§ 116d.31 Program descriptions.

Each application by a State educational agency under this part shall set forth a program for instruction, and (subject to the provisions of §§ 116d.38 and 116d.39 (c), respectively) for supporting services and services to preschool children, which is designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishermen. Such special educational needs particularly include needs as a result of conditions produced by the children's current or former migrant status, such as disruption of educational continuity and cultural, linguistic, or occupational isolation. The application shall contain:

(a) An identification of the areas within the State in which migratory children are expected to reside, the estimated number of such children for each area and the approximate dates of their arrival in and departure from those areas, and the sources and methods used to calculate these estimates;

(b) A statement showing separately for each category the estimated number of currently and formerly migratory children in the State and the number in each category to be served;

(c) A summary of the information (including information from other State educational agencies and the migrant student record transfer system) concerning the special educational needs of the migratory children to be served. The summary should include all available information with respect to educational performance and cultural and linguistic background which is relevant to assessing the educational needs of the children to be served;

(d) A description of each service to be provided as a means of accomplishing the stated objectives of the program, the estimated number of children by age and anticipated grade placement (including children enrolled or to be enrolled in private schools), a description of any inservice training (including the type of training, frequency and number and type of staff members who will participate in that training), the type and number of staff to be employed, and the facilities and materials to be used;

(e) A statement of the objectives of the proposed program, the related performance criteria, and the procedures and instruments by which the effectiveness of the program will be evaluated in accordance with Part 116, § 116.33;

(f) A description of the agency's program for involving parents and appropriate representatives of migratory children in advising on the planning, implementation, and evaluation of the State program and of projects at the local level in accordance with the requirements of § 116d.37. The application shall describe how the parent advisory council(s) will be involved in the planning, operations, and evaluation of the State program and local projects, how members will be selected, and the schedule for selection, training and participation of the council(s);

(g) A description of the State and locally-funded facilities and services to which migratory children will have access and the provisions made to insure compliance with the assurance required by § 116d.36;

(h) A summary of the types of information (in addition to the migrant student record transfer system) which the State educational agency will pass on to State educational agencies in other States about the migratory children to be served and the agency's plan for insuring as much continuity as possible in the education of such children; and

(i) A description of the State educational agency's plan for meeting the requirements of Part 116, § 116.35, pertaining to dissemination of public information.

(20 U.S.C. 241c-2(a), 1232c(b))

§ 116d.32 State budgets.

Each State application shall contain a budget in a form prescribed by the Commissioner showing the estimated costs for each service and the total costs of all services as described in the application. The budget shall also show the estimated amount of unobligated funds which are available from the preceding fiscal year's appropriation and shall show separately the amount applied for from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b))

§ 116d.33 Services provided by the State educational agency.

The State educational agency for which the Commissioner has approved an application under this part shall be responsible for the proper and efficient administration in the State of all programs under this part. Specifically these duties include:

(a) Ensuring compliance with the State educational agency's assurances to the Commissioner;

(b) Preparation of the State educational agency's application to the Commissioner;

(c) Providing instructions to applicant agencies designated under § 116d.5 to operate programs for migrant children;

(d) Reviewing proposals from such agencies;

(e) Fiscal control and fund accounting;

(f) The design and preparation of State evaluation reports;

(g) Dissemination of information.

Services provided by the State educational agency that are unique to the program under this part (e.g., Statewide recruitment and identification of migrant children, State and local interagency coordination, and implementation of the migrant student record transfer system), or are the same or similar to services provided by local educational agencies under Part 116a may be charged to program funds. All other services provided by the State educational agency under this part shall be charged to funds paid to the State pursuant to section 143(b) of the Act as amended and § 116.4(b) of Part 116 of this chapter.

(20 U.S.C. 241g, 1232c(b))

§ 116d.34 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.

Each State educational agency receiving a grant under this part shall promulgate appropriate rules to ensure that subgrantees who carry out projects under this part shall avoid imprudent, wasteful, extravagant or otherwise improper expenditures of funds which would defeat the intent of the Act to meet the special educational needs of migratory children. In keeping with the proper and efficient administration of the State program for migratory children, such rules shall provide for appropriate adjustment, based on periodic reports on the implementation of the project, of expenditures actually incurred, so as to avoid the obligation of funds by the subgrantee in excess of actual need. Adjustments may be effected by redistribution of unneeded funds to other subgrantees in the State who demonstrate need for such funds. All such adjustments shall be reflected by appropriate

amendment to the subgrantee's project application and its final fiscal report.

(20 U.S.C. 241c–2; 1232c(b))

§ 116d.35 Inclusion of former migratory children.

Formerly migratory children may participate in projects which include currently migratory children, or may participate in projects developed solely for such formerly migratory children: *Provided*, That:

(a) Their participation will not prevent the participation of currently migratory children nor dilute the effectiveness of programs for such children;

(b) There is on file valid documentation of the child's eligibility status; and

(c) There is on file the signature of the parent or guardian indicating consent to the child's participation.

(20 U.S.C. 241c–2(a)(3))

§ 116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.

(a) *Assurance by State educational agency.* Each application by a State educational agency for a grant under this part shall contain an assurance that, during the time migratory children reside in the State, the State educational agency shall not conduct a program for migratory children under this part through a local educational agency which does not provide access by migratory children to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigrant children who reside in the attendance area in which the migratory children are served. The preceding sentence shall not apply in the case of a project initiated at a time during which State and locally-funded educational facilities and services are not ordinarily available to non-migratory children; however, this exception shall not be construed to limit or modify the requirements contained in Part 116, § 116.30 relating to supplanting of State and local funds, and services which by law the applicant is required to provide to migratory children. Nothing in this section shall be construed to limit or modify the requirement of Part 116a, § 116a.26, paragraphs (g) and (h), pertaining to maintenance of comparability in school attendance areas where projects funded under Pub. L. 89–10 section 2 and Part 116a are being conducted, and which serve migratory children.

(b) *Comparable access defined.* The requirements of paragraph (a) of this section will be deemed to be satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition and transportation services on the same basis as provided by the local educational agency to non-migratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 241c–2(a)(1)(C), 241e(a)(3)(C))

§ 116d.37 Parental involvement.

The State educational agency's application shall demonstrate that:

(a) the State educational agency has, (to the extent feasible considering the parents' time of residence in the State) consulted with the parents of children to be served or who are being served, and considered the views of such parents with respect to the planning of the State program and;

(b) one or more advisory councils will be established in the State composed of parents of children to be served or who are being served and of other persons knowledgeable of the needs of migratory children, and that such council(s) will be consulted and their views considered concerning the operation and evaluation of the present State program and local projects and the planning of future programs and projects.

(20 U.S.C. 241c–2(a)(1)(C), 241e(a)(8), 1231d))

§ 116d.38 Supporting services.

(a) *General.* Health, welfare and other supporting services may be provided under this part, but only to the extent necessary to enable eligible school age and preschool children to participate effectively in instructional services that are designed to bring about an improvement of educational performance.

(b) *Day care services.* Day care for infants and very young children shall not be provided under this part except as a support service to eligible preschool and older children and then only upon specific application to the Commissioner with sufficient information to enable him to determine that such care as described in the application is:

(1) Not available from other public or private agencies;

(2) Essential to enable preschool and school age migratory children to participate in the instructional program under this part; and

(3) Not extravagant in view of the cost, the number of children who would receive day care, the number of eligible children involved, and the effect the availability of such services would have on the attendance and participation of such eligible preschool and school age migratory children in instructional services provided under this part.

(c) *Required information.* The information provided in support of a request for funds under paragraphs (a) or (b) of this section shall include the estimated cost, a description of the specific services, and the pertinent conditions indicating a need for such services, including the estimated number of children requiring the service, the public and private agencies contacted to provide such services and their written responses, and a detailed account of the effect that the absence of such service or services has had on the attendance and participation of children in previous programs and would be expected to have on the attendance and participation of children in the program covered by the application. The application shall also include the estimated number of eligible preschool and school age children whose attendance and participation would be improved by the availability of such services and the extent of the improvement.

(20 U.S.C. 241c–2(a)(1)(A), (D))

§ 116d.39 Criteria for the approval of State applications.

The Commissioner shall approve a State application only upon his determination that it contains the information required by § 116d.31, and demonstrates compliance with all other requirements in this part and applicable requirements of Parts 100b and 116, and demonstrates that:

(a) Payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

(b) Services to be provided show reasonable promise of meeting the special educational needs of migratory children of migratory agricultural workers and migratory fishermen as demonstrated by the needs assessment required by § 116d.31(c), particularly with respect to improvements in the educational performance of children in the basic skills of reading, oral and written communication and mathematics; and that payments under this part will be used for programs and projects which are of sufficient size, scope and quality to give reasonable promise of substantial progress towards meeting such needs;

(c) Provision will be made for the preschool educational needs of migratory agricultural workers and migratory fishermen if (considering the amount of funds available) such provision will not detract from the operation of programs and projects for such children of school age;

(d) The State program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Economic Opportunity Act of 1964;

(e) In the planning of the State program described in the application, the State educational agency has consulted with other agencies, including the State educational agencies which have provided services for such children and are knowledgeable of their needs; and

(f) The State educational agency's plan for insuring continuity in the education of migratory children shall describe the procedures to be used for coordinating programs and projects with similar programs and projects in other States and shall describe the procedures to be used for the agency's full participation in and full utilization of the migrant student record transfer system established by the Commissioner.

(20 U.S.C. 241c–2)

§ 116d.40 Cooperative programs.

Two or more State educational agencies may submit to the Commissioner a

joint application for a program or project involving children to be served by all of those particular agencies. By an appropriate interagency agreement, one such agency with the approval of the Commissioner may administer such a program or project.

(20 U.S.C. 1232c(b)(1))

§ 116d.41 Commissioner's disapproval of State application; notice and hearing.

The Commissioner shall not finally disapprove an application of a State educational agency under this part except after reasonable notice and opportunity for hearing to that agency.

(20 U.S.C. 241c-2(a)(1))

[FR Doc.75-17607 Filed 7-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-RM-22]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 75-16449 appearing at page 26686 in the issue of Wednesday, June 25, 1975, in § 71.181 the description of Jackson, Wyoming, on page 26687 the first eight lines should read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on the Jackson's Hole Airport (latitude 43°36'24''N, longitude 110°44'13'' W), within 5.5 miles west and 9.5 miles east of the Jackson VOR 200° radial, extending from the VOR to

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[14 CFR Part 71]

[Airspace Docket No. 75-WE-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Carlos, Arizona transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before August 7, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

Intensive Student Jet Training Areas 2 and 3 for Williams AFB, Arizona have a requirement for lower airspace than provided by the existing floor of 12,000 feet MSL. The lower transitional area airspace will provide sufficient controlled airspace for the protection of the training aircraft. For uniformity in charting, the entire area will be floored at 1200 feet AGL and the existing 12,000 foot MSL limitation deleted.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (40 FR 441) the description of the San Carlos, Arizona transition area is amended to read as follows:

Delete all before "* * * bounded on the northwest * * *" and substitute therefor "That airspace extending upward from 1200 feet above the surface * * *".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-17561 Filed 7-7-75;8:45 am]

[14 CFR Parts 75, 91]

[Docket No. 14776; Notice No. 75-29]

JET ADVISORY AREA RULES

Proposed Revocation

The Federal Aviation Administration is considering amending Parts 75 and 91 of the Federal Aviation Regulations by revoking Subpart C of Part 75, and by revoking §§ 75.15 and 91.99, which sections prescribe, respectively, the descriptions of, and the operating requirements applicable in, jet advisory areas designated in Subpart C of Part 75. The last jet advisory areas were revoked in 1974 and the rules applicable to those airspace designations are no longer needed.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 8, 1975, will be considered before taking action on the proposed rules. The proposals contained in this notice may be changed in light of relevant comments received. All comments received will be available for examination in the Rules Docket both before and after the closing date for comments.

Section 75.15 prescribes the different kinds of jet advisory areas and describes the airspace, within the continental control area, which has been established and specifically designated as jet advisory areas in Subpart C of Part 75 of the Federal Aviation Regulations. Section 91.99 prescribes the operational requirements applicable within the jet advisory areas designated in Part 75.

Jet advisory areas were first established when air carriers began operating large turbojet aircraft in late 1959, in order to provide an additional margin of safety for their operation. In conjunction with the establishment of these areas, the FAA adopted operating requirements and companion air traffic control procedures to provide control and separation of turbojet aircraft, including the issuance of clearances to operate only within the prescribed jet advisory areas when operating at or above 24,000 feet (FL 240).

The designated jet advisory areas specifically excluded, among other airspace, the airspace within positive control areas. When the positive control areas expanded as resources permitted and ATC capabilities increased, the number of jet advisory areas and the need for them decreased. Since positive control areas now cover virtually all of the 48 contiguous states and Alaska, and no need for jet advisory areas has arisen in Hawaii, jet advisory areas are no longer needed. As noted above, the last jet advisory areas were revoked in 1974.

Accordingly, neither the descriptive provisions of § 75.15 nor the operating rules in § 91.99 relate to current airspace designations. In addition, the FAA believes that there will be no future requirement for jet advisory areas or their companion rules. It is, therefore, proposed to revoke §§ 75.15 and 91.99 and to revoke Subpart C of Part 75 of the Federal Aviation Regulations.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Parts 75 and 91 of the Federal Aviation Regulations as follows:

1. Part 75 of the Federal Aviation Regulations would be amended by deleting the text of § 75.15, by designating that section "Reserved," by deleting the text of Subpart C, Jet Advisory Areas, and by designating that subpart "Reserved."

2. Part 91 of the Federal Aviation Regulations would be amended by deleting the text of § 91.99 and by designating that section "Reserved."

Issued in Washington, D.C., on June 30, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT-1.

[FR Doc.75-17562 Filed 7-7-75;8:45 am]

[14 CFR Part 93]

[Docket No. 14777; Notice No. 75-30]

OAKLAND, CALIFORNIA, CONTROL ZONE

Proposed Elimination of Special VFR Prohibition

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to permit special VFR operations in the Oakland, California, control zone.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are specifically invited regarding the environmental effects of the proposal, if any. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 8, 1975, will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 93.113 prohibits the operation of fixed-wing aircraft within designated control zones under the special VFR weather minimums prescribed in § 91.107. Section 93.113 prohibits Special VFR operations in the control zone that is established at Oakland, California, for the Metropolitan Oakland International Airport (herein called "Oakland control zone"). In adopting the prohibition in § 93.113, the FAA indicated that future additions to or deletions from that section would reflect changed conditions affecting the safe and efficient use of the navigable airspace.

A review of the operations in the Oakland control zone indicates that the continued prohibition of special VFR operations may not be warranted. The configuration of the airport runways and the presence of two control towers permit a natural geographic division between IFR and VFR operations using separate portions of the airport. In addition, there has been a reduction in the volume of air carrier and other traffic using the Oakland control zone, so that the two control towers are believed to have the capability of handling any increase in traffic that may result from eliminating the prohibition of special VFR operations. In view of the above cited conditions, the FAA believes that continuation of the current prohibiton of special VFR operations in the Oakland control zone may be an unnecessary and unwarranted restriction on the efficient use of the airspace within that control zone.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(c), 1354(a)); sec. 6(c), Department of Transportaion Act (49 U.S.C. 1644(c)))

In consideration of the foregoing, the FAA proposes to amend § 93.113 of Part 93 of the Federal Aviation Regulations (14 CFR Part 93), by amending item 25 by deleting the words "Oakland, Calif. (Metropolitan Oakland International Airport)" and by designating item 25 "[Reserved]."

Issued in Washington, D.C., on June 30, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT-1.

[FR Doc.75-17563 Filed 7-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 378-8]

IMPLEMENTATION PLANS

Proposed Requirements for Preparation, Adoption, and Submittal

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (SIP) under section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22398), as 40 CFR Part 51. Subsequent to this republication numerous additions and changes have been made to the original requirements. The amendments proposed herein would further revise 40 CFR Part 51 by making certain modifications and additions. Such amendments are necessary because the existing requirements are inconsistent, in some cases, with recent court decisions and EPA policies; obsolete; or in need of some correction and clarification. The following discussion relates to substantive changes proposed below.

Section 51.1 Definitions. Various definitions are proposed to allow for an easier and more direct interpretation of the requirements. In addition, changes to the references to existing definitions are being proposed to correct inconsistencies which had developed in prior publications of 40 CFR Part 51 requirements.

Section 51.4 Public hearings. A modification to § 51.4, which sets forth the requirements for conducting a public hearing on a plan or portion thereof, is being proposed which would require the State to submit to the Administrator a list of witnesses and summaries of their presentations. This material will enable the Administrator to more fully consider all opinions, data and views concerning a proposed SIP action. Further, changes to this section are being proposed to clarify EPA's intent to require hearings on all plan revisions except those that are of a non-regulatory nature and do not significantly affect the program for the attainment and maintenance of national standards. Under this proposal, States would be encouraged to obtain a ruling in advance from the appropriate Regional Office when in doubt as to whether a hearing is required.

Section 51.5 Submission of plans: Preliminary review of plans. Section 51.5, which sets forth the procedures for submission of the implementation plan or portion thereof, is being proposed for amendment to indicate the types of submittal that must be forwarded under the auspices of the Governor. In addition, EPA is proposing to condense Part 51 by incorporating those requirements pertaining to the submittal of transportation control plans into the general plan requirements of § 51.5.

Section 51.6 Revisions. The requirements of § 51.6, stating the conditions under which an implementation plan shall be revised, are proposed to be amended to require that a plan must be revised whenever the Administrator finds that a plan does not meet the requirements of this part. The proposal also requires that each plan shall contain a statement, as required by section 110(a)(2)(H) of the Clean Air Act, indicating that the plan will be revised under the circumstances specified by the Act and this part. This action was mandated for Massachusetts and Rhode Island by the First Circuit Court of Appeals decision (NRDC et al. v. EPA, 478 F. 2d 875) and in the Administrator's judgment should be extended to all States. To expedite the inclusion of plan revisions into the official implementation plan, the regulations proposed below require the submittal to be forwarded to the appropriate Regional Administrator instead of the Administrator.

Additionally, to provide for a comprehensive review by all appropriate State, regional, and local agencies and governments, the State would have to submit any substantive revision to any emission limitation in the plan or any new emission limitation to be added to the plan for review and comment for a period of 30 days to the cognizant clearinghouses as established under Office of Management and Budget Circular A-95. This 30-day review could occur simultaneously with the required 30-day period before the public hearing on the plan revision.

Section 51.7 Reports. The requirements of § 51.7, relating to air quality and emission data reports submitted by the States, are proposed to be expanded. Previously, States were required to submit to the Administrator emission information on any source which had an actual emission rate of more than 100 tons/year of any pollutant for which a national standard exists. The revision proposed below would require reporting for sources with potential emissions of more than 100 tons/year. Such sources with several individual emission points that have similar characteristics would be allowed to report the emissions from such emission points as one single emission source in accordance with "Guide for Compiling a Comprehensive Emission Inventory"—APTD 1135. This procedure obtains complete information on point sources without an overburdensome amount of paper work for the State and local agencies. Potential emissions are defined as those emissions that would occur if emission

control equipment, if any, were removed or deactivated. The use of potential emissions is utilized by nearly all State and local air pollution agencies as part of their FY '75 grant provisions. This amendment will therefore reflect current procedures and standardize the definition.

It is also proposed that § 51.7(b)(4) be deleted from these regulations and § 51.7 (d) be revised. Because semi-annual reporting has not been frequent enough for the Administrator to react in a responsive manner to progress by States in enforcing their State implementation plans, reporting requirements (including frequency of reporting) have been negotiated as part of the grant awards with most States. The semi-annual reporting requirements originally established under § 51.7(b)(4) duplicate or conflict with these grant reporting requirements. It is therefore proposed that § 51.7(b)(4) be deleted.

Annually, EPA prepares a Regional Operating Guidance package setting forth planning guidance and reporting requirements for the current fiscal year. This guidance package is the basis for the reporting requirements negotiated with most State agencies as part of their program grant conditions. The proposed revision to § 51.7(d) provides that the minimum reporting requirements shall be determined in accordance with the planning guidance package and program grant conditions.

Section 51.13 Control strategy: Sulfur oxides and particulate matter. Paragraph (d)(4) of § 51.13 is being proposed to require that any control strategy demonstration submitted as a revision to an implementation plan, including the AQMA analysis and plan, would have to provide a specific control strategy demonstration for each region or areas affected by the revision. This proposal would void the use of the example region concept for performing control strategy demonstrations for plan revisions. It would not, of course, affect the right of States under section 116 of the Clean Air Act to adopt and enforce regulations which are more stringent than necessary to meet Federal standards.

Section 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide. The Administrator is proposing to amend § 51.14, relating to control strategies for carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide, to require that data from all sites for carbon monoxide, nitrogen dioxide, and photochemical oxidants, reflecting the most recent data for a full year, where available, be used in any control strategy revision. For the original plan submittals, only data from the summer of 1971 was required to be included in the plan. Further, the requirement that no air quality data need be submitted in Priority III regions for carbon monoxide, hydrocarbons, nitrogen dioxide, and photochemical oxidants is proposed to be revoked. This is necessitated because it is inconsistent with the proposed new requirement in § 51.7(a)(1).

Section 51.18 Review of new sources and modifications. Section 51.18 requires that each plan must contain legally enforceable procedures which shall specify that any new or modified stationary or indirect source which emits any pollutant for which there is a national ambient air quality standard shall not be constructed if such source will result in violations of applicable portions of the control strategy or will result in a violation of a national standard either directly because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it. In the April 18, 1973, FEDERAL REGISTER, the Administrator set forth his intention to reexamine existing State plan provisions for the review of new stationary sources. EPA has discovered through such examination that some State regulations improperly exempt sources which could have a significant impact on air quality. To remedy this deficiency, the proposal below specifies in a new Appendix Q the stationary sources which may be exempt from such review. Under this proposal, EPA would approve a regulation exempting a source not listed in Appendix Q only if the State demonstrated to EPA the negligible impact of such a source. It is the Administrator's judgment that the impact of emissions from the sources listed in Appendix Q is not significant enough to require that all States allocate the manpower and resource expenditures necessary to review them. States would not be precluded from conducting review of such listed sources, however, should they so desire.

It is expected that many State stationary source review procedures will have to be modified in two other respects. First, many States have never included the notice and public comment procedures which have been required by 40 CFR 51.18 since 1973. Second, EPA has discovered that some regulations fail to conform to 40 CFR 51.18 in that they do not contain language which affirmatively insures that the State will prevent the construction of violating sources. For instance, one State regulation provides that the State "may" deny a permit to a source which would cause violations. To comply with 40 CFR 51.18, the State's procedures must require the State to prevent the construction of sources which will cause ambient air quality violations. States should have language in their regulations similar to this: "No permit to construct or modify shall be granted if such construction or modification will result in a violation of the State's control strategy or in a violation of the national ambient air quality standards."

Section 51.19 Source surveillance. The proposed changes to § 51.19, dealing with provisions for source recordkeeping and reporting, would require States to specifically identify which sources are subject to the recordkeeping and reporting requirements. This change is also a result of the First Circuit decision discussed above.

Appendix H must be amended to correct typographical errors and to require reporting of the second highest value for a given time period. This allows one to determine the representativeness of a particular value. Additionally, the standard geometric deviations for sulfur dioxide and nitrogen dioxide are being required.

The Administrator is proposing to revoke Appendix 0. It is the Administrator's judgment that this appendix no longer serves a useful purpose, as the approach for determining what indirect source size to review has shifted from one focusing on maximum downwind concentration from a source, to an approach focusing on receptors near intersections, traffic lights, entrance gates, etc. Appendix 0 addresses the old approach.

The changes being proposed below will, in most instances, require States to revise their implementation plan to meet the requirements. Such revisions shall be submitted to EPA for review and shall be made part of the implementation plan if found approvable. It is the Administrator's intent to require that all plan revisions to satisfy the requirements proposed below be submitted no later than 12 months after the final promulgation of these amendments. Whenever practicable, such revisions may be submitted with the revisions associated with air quality maintenance revision. These proposed changes are not intended to relieve the State of the responsibility of complying with the existing requirements of 40 CFR Part 51.

In accordance with Agency policy as set forth in 39 FR 37419, the proposed changes have been reviewed and it has been determined that they do not constitute "significant" revisions or modifications (as defined in 39 FR 37419), and therefore, do not require that an Environmental Impact Statement be prepared.

All interested parties are invited to submit written comments on the proposed regulations set forth below. Comments should be submitted, preferably in triplicate, to the Environmental Protection Agency, Office of Air Quality Planning and Standards, Standards Implementation Branch, Research Triangle Park, N.C. 27711, Attention: Mr. Schell. All relevant comments received on or before August 7, 1975, will be considered. Comments received by EPA will be available for inspection during normal business hours at the Freedom of Information Center, 401 M Street, SW., Washington, D.C. 20460. The regulations proposed herein, with appropriate modifications, will be effective on republication in the FEDERAL REGISTER. This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act. (42 U.S.C. 1857c–5 and g)

Dated: June 30, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 51.1 paragraphs (a), (f), (g), (j), (k) and (m) are revised and paragraph (bb), is added. As amended, § 51.1 reads as follows:

§ 51.1 Definitions.

(a) "Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

* * * * *

(f) "Plan" means an implementation plan, approved or promulgated pursuant to section 110 of the Act.

(g) "Applicable plan" means a plan or portion thereof including the most recent revision of such plan or portion thereof, which has been approved or promulgated by the Administrator pursuant to section 110 of the Act.

* * * * *

(j) "Local agency" means any local governmental agency, other than the State agency, which is charged with the responsibility for carrying out a portion of a plan.

(k) "Point source" means any stationary facility which has the potential of emitting a total of 100 tons (90.7 metric tons) per year or more of any one pollutant for which a national standard has been promulgated. Potential emissions are defined as being the emissions that would occur if any existing emission control equipment were removed or deactivated. Potential emissions are calculated by dividing the existing annual emission estimate by the factor (1 minus the efficiency of the emission control device, if any). The existing annual emission estimates are those most recently calculated in accordance with the procedures published in "Guide for Compiling a Comprehensive Emission Inventory"—APTD–1135.

* * * * *

(m) "Region" means an air quality control region, designated pursuant to section 107 of the Act and described in Part 81 of this chapter.

* * * * *

(bb) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emission of any air pollutant for which a national standard is in effect.

2. In § 51.4, paragraph (a)(3) is added and paragraphs (a)(1) and (c) are revised. As amended, § 51.4 reads as follows:

§ 51.4 Public hearings.

(a)(1) Except as otherwise provided in subparagraphs (2) or (3) of this paragraph, the State shall, prior to the adoption of any plan or any revision thereof or prior to the submission to the Administrator of any individual compliance schedule pursuant to § 51.15(a) or any revision thereof, conduct one or more public hearings on such plan, schedule, or revision. Separate hearings may be held for plans to implement primary and secondary standards.

* * * * *

(3) No hearing shall be required for any non-regulatory revision which is so insignificant that such revision will not affect the program for attainment or maintenance of the national standards.

* * * * *

(c) The State shall prepare and submit to the Regional Administrator a list of witnesses and their organizational affiliations, if any, appearing at each hearing and a brief written summary of each presentation or written submission. The State shall prepare and retain, for a minimum of 2 years, the full text of each presentation and any exhibits or written materials filed as part of the hearing, for inspection by any bona fide interested party upon his request.

* * * * *

3. In § 51.5, paragraph (a) is revised and paragraphs (d) and (e) are revoked. As amended, § 51.5 reads as follows:

§ 51.5 Submission of plans: Preliminary review of plans.

(a) Submission to the Administrator shall be accomplished by delivering five copies of the plan to the appropriate Regional Office. Portions of the plan involving regulatory measures (other than individual compliance schedules) and resource commitments of the State to conduct activities called for in the plan shall be submitted by the Governor. All other portions of the plan may be submitted by the State agency designated by the Governor to do so. Plans shall be adopted by the State and submitted to the appropriate Regional Administrator as follows:

* * * * *

(3) [Revoked.]

* * * * *

(d) [Revoked.]

(e) [Revoked.]

4. In § 51.6, paragraphs (a)(3) and (d) are revised, and paragraphs (a)(4) and (g) are added. As amended, § 51.6 reads as follows:

§ 51.6 Revisions.

(a) The plan shall contain a statement indicating that the plan shall be revised as may be necessary to take account of:

* * * * *

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements, or

(4) A finding by the Administrator that the plan does not meet the requirements of this part or the Act.

* * * * *

(d) Any revision of any regulation (including any compliance schedule), or non-regulatory provision pursuant to paragraph (c) of this section and subject to the provisions of § 51.4 shall be submitted to the appropriate Regional Administrator in accordance with § 51.5 no later than 60 days after its adoption for regulatory revisions and no later than 60 days prior to its implementation by the State for a non-regulatory provision.

* * * * *

(g) Prior to submission to the Administrator of any substantive revision to any emission limitation in the plan or of any revision to the plan adding a new emission limitation, the State shall submit such revision for review and comment for a period of 30 days to the cognizant clearinghouses as established under the Office of Management and Budget Circular A–95, published in the FEDERAL REGISTER on November 28, 1973 (38 FR 32874). Comments received from the clearinghouses within the above-specified 30-day period shall be considered before the plan revision is submitted to the Administrator. Copies of such comments shall be retained by the State for inspection by the Administrator.

5. In 51.7, paragraphs (a)(1), (b)(1), (b)(5), and (d) are revised, paragraph (b)(4) is revoked, and paragraph (e) is added. As amended, § 51.7 reads as follows:

§ 51.7 Reports.

(a) * * *

(1) Quarterly reports shall include all ambient air quality data from all sampling instruments which are available to the control agency. The first report shall include all air quality data gathered subsequent to the air quality data which provided the basis for development of the applicable plan. Any changes or modification to the monitoring sites (i.e. location, equipment, operating times) occurring during the reporting period shall be recorded on Storage and Retrieval of Aerometric Data site forms and included as part of the quarterly report.

* * * * *

(b) *Semiannual report.* (1) For the purposes of subparagraph (3) of this paragraph, the term source means any point source as defined in § 51.1(k). For such sources, emissions shall be reported as emissions of each pollutant for which there is a national standard from each individual emission point within the source, except that individual emission points with similar characteristics may be reported as a single emission point in accordance with "Guide for Compiling a Comprehensive Emission Inventory"—APTD 1135.

* * * * *

(4) [Revoked]

(5) *Revisions.* All substantive revisions to the applicable plan, during the reporting period other than revisions to rules and regulations, administrative housekeeping changes or compliance schedules submitted in accordance with § 51.6(d) shall be identified and described. Such revisions shall include, but are not limited to, changes in stack test procedures for determining compliance with applicable regulations, modifications in the projected total manpower needs to carry out the approved plan, and all changes in responsibilities

given to local agencies to carry out various portions of the plan.

* * * * *

(d) *Reporting of compliance status and enforcement actions.* Each State shall report appropriate information on compliance status and enforcement action outputs as contained in EPA's annual "Regional Operating Guidance." Any additional output reports and the schedule for submittal of such reports shall be specified as a grant condition according to the requirements set forth in Part 35 of this chapter. At a minimum, reports on compliance status and enforcement actions shall be submitted on a quarterly basis.

(e) The Administrator may request a State to verify and certify the data submitted pursuant to paragraphs (a) and (b) of this section if he finds errors or discrepancies in such data. Within 45 days after notification by the Administrator, the State shall advise the Administrator concerning the accuracy of the data, and resubmit corrected data in the prescribed format, where appropriate.

6. In § 51.13, paragraph (d)(4) is added. As amended, § 51.13 reads as follows:

§ 51.13 Control strategy: Sulfur oxides and particulate matter.

* * * * *

(d) * * *

(4) Control strategy demonstrations submitted as a revision to an applicable plan shall, after the effective date of this subparagraph, provide a specific control strategy demonstration for each region or area affected by such revision.

* * * * *

7. In § 51.14 paragraph (e) is revised. As amended, § 51.14 reads as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide.

* * * * *

(e) * * *

(1) For Priority I regions, data from all sites available to the control agency on carbon monoxide, nitrogen dioxide, and photochemical oxidants shall reflect the most recent data for a full year, where available.

* * * * *

(3) Air quality data required by this subparagraph shall be submitted in the form similar to that shown in Appendix H to this part.

* * * * *

8. Section 51.18 is revised to read as follows:

§ 51.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures for review, prior to construction, of new or modified stationary or indirect sources which emit any pollutant for which there is a national ambient air quality standard. Such procedures shall specify that any new or modified stationary or indirect source shall not be constructed if such source will result in violations of applicable portions of the control strategy or will result in a violation of the national ambient air quality standards either directly because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it.

(b) The legally enforceable procedures required pursuant to paragraph (a) of this section shall:

(1) Provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of information on:

(i) The nature and amounts of emissions to be emitted by it and, if applicable, emitted by associated mobile sources.

(ii) The location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section.

(2) Provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

(3) Identify types and sizes of facilities, buildings, structures, or installations which will be subject to review pursuant to this section.

(4)(i) Provide that prior to approving or disapproving the construction or modification of a facility, building, structure, or installation pursuant to this section, the State or local agency will provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality, including the agency's proposed approval or disapproval.

(ii) For purposes of subdivision (i) of this subparagraph, opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection in at least one location in the region affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality.

(*b*) A 30-day period for submittal of public comment, and

(c) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subdivision (ii)(*a*) of this subparagraph.

(5) Provide that a copy of the notice required by subparagraph (4)(ii)(c) of this paragraph shall also be sent to the Regional Administrator and to all other State or local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located and any other State or local air pollution control agency whose jurisdictional areas may be affected by the proposed source. The notice also shall be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

(6) Provide that a copy of any approval to construct, including any condition included as part of such approval, be sent to the appropriate Regional Administrator.

(c) Where the 30-day comment period required in paragraph (b)(4)(ii)(*b*) of this section would conflict with existing State requirements for acting on requests for permission to construct or modify, the State may submit for approval a comment period which is consistent with such existing requirements.

(d) Each plan shall:

(1) Identify the State or local agency which will be responsible for meeting the requirements of this section in each area of the State. Where such responsibility rests with an agency other than an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency prior to issuing a permit to construct a new source in carrying out the provisions of this section.

(2) Discuss the basis for determining which facilities shall be subject to review.

(3) Include the administrative procedures which will be followed in making the determination specified in paragraph (a) of this section.

(4) Include the procedures and methods the State will employ to make the judgment as to whether a source will violate national ambient air quality standards.

(e) Sources or source categories listed in Appendix Q may be exempt from the requirements of this section. Other sources or source categories may be exempt if the State demonstrates to the Administrator in writing (including a technical support document) that such sources would have a negligible impact on air quality.

9. In § 51.19, paragraph (a) is revised to read as follows:

§ 51.19 Source surveillance.

* * * * *

(a) Legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of and reports at least once a year to the State information or the nature and amount of emissions from such stationary sources and/or such other information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy. Such legally enforceable procedures shall specifically identify those sources subject to the recordkeeping and reporting requirements; and as a minimum, such sources shall include point sources as defined in § 51.1(k).

* * * * *

10. Appendix H is revised to read as follows:

APPENDIX H.—*Air quality data summary*

Pollutant	Sampling site location [1]	Sampling interval (months)	Start date	End date	Number of samples	1 h		3 h		8 h		24 h		Annual arithmatic mean	Annual geographic mean	Geographic standard deviation [2]
						Maximum	2d maximum	Maximum	2d maximum	Maximum	2d maximum	Maximum	2d maximum			
Particulate matter	×	×	×	×	×							×	×		×	×
Sulfur oxides (as SO_2)	×	×	×	×	×			×	×			×	×	×		×
Nitrogen dioxide	×	×	×	×	×									×		×
Photochemical oxidants	×	×	×	×	×	×	×									
Carbon monoxide	×	×	×	×	×	×	×			×	×					

×=Date or information required.
[1] UTM Grid coordinate or equivalent.
[2] Geometric standard deviation based on 24-h averages.

11. Appendix O is revoked.

12. Appendix Q is added to read as follows:

APPENDIX Q—LIST OF STATIONARY SOURCES WHICH MAY BE EXEMPT FROM THE NEW SOURCE REVIEW PROCEDURES

1. Maintenance, structural changes or minor repair of process equipment, fuel-burning equipment, control equipment, or incinerators which do not change capacity of such process equipment, fuel-burning equipment, control equipment, or incinerators and which do not involve any change in the quality, nature, or quantity, of emissions therefrom.

2. Fuel burning units, other than smokehouse generators, which have a heat input of not more than 250 million Btus per hour and burn only gaseous fuel containing not more than 20 grains H_2S per 100 standard cubic feet; have a heat input of not more than 10 million Btus per hour and burn oil; or have a heat input of not more than 350,000 Btus per hour and burn solid fuel.

3. Stationary internal combustion engines with less than 1000 brake horsepower.

4. Bench scale laboratory equipment used exclusively for chemical or physical analysis or experimentation.

5. Portable brazing, soldering, or welding equipment.

6. The following equipment:

(a) Comfort air conditioners or comfort ventilating systems which are not designed to remove emissions generated by or released from specific units or equipment.

(b) Water cooling towers and water cooling ponds unless used for evaporative cooling of process water, or for evaporative cooling of water from barometric jets or barometric condensors or used in conjunction with an installation requiring a permit to operate.

(c) Equipment used exclusively for steam cleaning.

(d) Grain, metal, plastic or mineral extrusion presses.

(e) Porcelain enameling furnaces or porcelain enameling drying ovens.

(f) Unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less.

(g) Equipment used for hydraulic or hydrostatic testing.

7. The following equipment or any exhaust system or collector serving exclusively such equipment:

(a) Blast cleaning equipment using a suspension of abrasive in water.

(b) Bakery ovens where the products are edible and intended for human consumption.

(c) Kilns for firing ceramic ware, heated exclusively by gaseous fuels, singly or in combinations and electricity.

(d) Confection cookers where the products are edible and intended for human consumption.

(e) Drop hammers or hydraulic presses for forging or metal working.

(f) Die casting machines.

(g) Photographic process equipment through which an image is reproduced upon material through the use of sensitized radiant energy.

(h) Equipment for drilling, carving, cutting, routing, turning, sawing, planning, spindle sanding or disc sanding of wood or wood products, which is located within a facility that does not vent to the outside air.

(i) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(j) Equipment for washing or drying products fabricated from metal or glass: *Provided,* That no volatile organic materials are used in the process and that no oil or solid fuel is burned.

(k) Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

(l) Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: Brass, Bronze, Cadmium, Copper, Iron, Lead, Nickel, Tin, Zinc, Precious Metals.

8. Natural draft hoods or natural draft ventilators.

9. Containers, reservoirs or tanks used exclusively for:

(a) Dipping operations for coating objects with oils, waxes, or greases, where no organic solvents are used.

(b) Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

(c) Storage of butane, propane or liquified petroleum or natural gas.

(d) Storage of lubricating oils.

(e) Storage of Nos. 1, 2, 4, 5 and 6 fuel oil, non-military jet engine fuel, and crude petroleum or condensate which is stored processed, and/or treated at a drilling and production facility prior to custody transfer.

(f) Storage of volatile organic compounds in any stationary tank, reservoir, or other container of 40,000 gallons or less. Volatile organic compounds are defined as any compounds containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

10. Gaseous fuel-fired or electrically-heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

11. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, unless otherwise noted, in which no sweating or distilling is conducted, nor any fluxing conducted utilizing chloride, fluoride, or ammonium compounds, and from which only the following metals are poured or in which only the following metals are held in a molten state:

(a) Aluminum or any alloy containing over 50 percent aluminum, provided that no gaseous chlorine compounds, chlorine, aluminum chloride or aluminum fluoride are used.

(b) Magnesium or any alloy containing over 50 percent magnesium.

(c) Lead or any alloy containing over 50 percent lead, in a furnace with a capacity of 550 pounds or less.

(d) Tin or any alloy containing over 50 percent tin.

(e) Zinc or any alloy containing over 50 percent zinc.

(f) Copper.

(g) Precious metals.

[FR Doc.75-17549 Filed 7-7-75;8:45 am]

[40 CFR Part 432]

[FRL 395-2]

POULTRY PROCESSING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards; Availability and Extension of Public Comment Period

On April 24, 1975, the Agency published a notice of proposed rulemaking establishing effluent limitations and guidelines based on best practicable control technology currently available, best available technology economically achievable, standards of performance for new sources, and pretreatment standards for new sources for the poultry processing point source category (40 FR 18150). Reference was made in the preamble to this notice of a technical report and an economic report prepared by the Agency in connection with the development of these regulations.

The report entitled, "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Poultry Processing Point Source Category", details the analysis undertaken in support of the regulations and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis entitled "Economic Analysis of Proposed Effluent Guidelines, Poultry Processing Industry" which discusses the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents have been sent to persons or institutions affected by the proposed regulation or who have placed

themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C., 20460, Attention: Ms. Ruth Brown.

All comments received on or before August 7, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advanced notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: June 30, 1975.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.75-17550 Filed 7-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20486, RM-2356, RM-2397]

FM BROADCAST STATIONS; ARCADIA, LAKE PLACID AND ENGLEWOOD, FLORIDA

Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Arcadia, Lake Placid and Englewood, Florida).

1. On May 13, 1975, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on May 30, 1975, 40 FR 23475. The dates for filing comments and reply comments are presently July 7 and July 28, 1975, respectively.

2. On June 26, 1975, counsel for Arcadia-Punta-Gorda Broadcasting Co., Inc., requested that the time for filing comments be extended to and including August 7, 1975. Counsel states that he has been advised that a full engineering showing such as the Commission requests in its Notice, and other pertinent showings, cannot be prepared within the prescribed deadline date. Counsel adds that he has been authorized to state that counsel for Sarasota-Charlotte Broadcasting consents to the requested extension.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including August 7 and August 28, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: June 27, 1975.

Released: July 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-17636 Filed 7-7-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20487]

SELECTION OF TELEVISION SIGNALS FOR CABLE TELEVISION CARRIAGE

Extension of Time for Filing Comments

Order. In the matter of amendment of Part 76, Subpart D of the Commission's rules and regulations relative to selection of television signals for cable television carriage (leapfrogging rules): §§ 76.59 (b) (1) and (2), and 76.63 of the Commission's cable television rules.

1. The National Cable Television Association has requested an extension of time for filing comments in the captioned proceeding [1] from July 8, 1975 to August 7, 1975. The additional time is said to be necessary to obtain detailed information relative to the matters in issue.

2. Although it appears that good cause has been shown for a limited extension of time, it would not appear that an extension of the magnitude requested is warranted. Accordingly, an extension will be granted only until July 29, 1975.

Accordingly, it is ordered, That the dates for filing comments and reply comments in the above captioned proceeding are extended to July 29, 1975, and August 12, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: June 27, 1975.

Released: July 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-17637 Filed 7-7-75;8:45 am]

[1] First published at 40 FR 23316, May 29, 1975.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

REFINER'S PROFIT MARGIN RULES

Proposed Modification and Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise Part 212 with respect to the profit margin limitations applicable to refiners. There are four proposed substantive changes to the profit margin limitation. First, the profit margin limitation would be expressed as an absolute dollar amount of profit per unit sold adjusted for inflationary factors. Second, this unit profit margin limitation would include only the revenues and costs attributable to domestic refining and marketing of petroleum. Third, the base period would be, at the option of the refiner, any two years ending after August 1, 1968 and prior to May 15, 1973. Finally, the regulations would reflect existing FEA policy of requiring firms to use generally accepted accounting principles consistently and historically applied in calculating the unit profit margin.

BACKGROUND

The profit margin limitation was introduced by the Cost of Living Council (CLC) pursuant to the Economic Stabilization Act of 1971 for the purpose of reducing the nation's spiraling rate of inflation by discouraging firms from increasing prices above base prices and by limiting the profits as a percentage of sales of those firms which did so. A single limitation applied to all of the activities of a firm, including its consolidated and unconsolidated entities.

The FEA adopted the profit margin limitation from the CLC regulations for two reasons. First, the rules were familiar to the regulators and the regulated industry. Second, because most firms were over their base period profit margins, few could pass through non-product costs. This was at a time when rapidly escalating crude costs were having a substantial inflationary impact on the economy.

The original CLC profit margin test was adopted by the FEA with two important modifications, one already incorporated by the CLC and the second introduced by FEA: (1) Base price was redefined to permit it to increase with increases in product costs, so only price increases to reflect non-product costs triggered the limitation, and (2) the limitation and the base price concept were applied only to refiners.

On September 6, 1974 the FEA issued a notice of proposed rulemaking which included proposed revisions of the profit margin limitation, several of which are incorporated into this proposal. However, because of the complexity of the issue and the legitimate areas of concern raised by the comments to the notice of proposed rulemaking, the FEA determined that further study was necessary to develop a profit margin limitation tailored to fit practices peculiar to the petroleum industry. The FEA believes the following revisions to the profit margin limitation would result in an efficient and effective profit control mechanism.

PROPOSED CHANGES

1. The proposed amendments would change the profit margin calculation to be an absolute dollar amount of profit

per unit sold, adjusted for inflationary factors.

The profit margin is now defined essentially as the ratio of operating income to net sales, and in essence, this permits firm to earn as profit the same percentage of their total dollar sales as they earned during the base period. Although the profit margin in this form provided a reasonably good and easily administered measure of profits during periods of moderate price increases, it is not appropriate in the peculiar circumstances of the oil industry today.

The major cost element in the industry, the cost of crude oil, has nearly quadrupled since the base period; therefore, application of the profit margin test in its present form permits a corresponding quadrupling of per unit profits. The current method of determining profit margin produces a result which is not entirely consistent with the rationale for the dollar-for-dollar passthrough permitted for product cost increases.

The proposed amendment establishes three new profit margin concepts: "unit profit margin," "base period unit profit margin" and "adjusted base period unit profit margin." The "unit profit margin" is equal to operating income derived from the refining and marketing of petroleum divided by the total volume of petroleum sold, in other words, profits divided by volume. The "base period unit profit margin" is the average annual unit dollar profit of the firm concerned during the base period. The "adjusted base period unit profit margin," is the "base period unit profit margin" multiplied by the ratio of a price index for the month of measurement to that price index in May 1973. This allows firms to adjust their "base period unit profit margins" to reflect inflation since May, 1973. Accordingly, the proposed profit margin limitation would require that a refiner which raises a price above base price may not exceed its "adjusted base period unit profit margin" for the fiscal year in which the price increase above base price is made.

Comments are invited on which price index should be used to compute the adjusted base period unit profit margin. The GNP deflator for energy prices, the GNP deflator and the wholesale price index are possible alternatives.

2. The profit margin limitation would include only revenues derived from the refining and marketing of petroleum. Revenues derived from activities unrelated to products within the scope of the EPAA and from crude oil production activities would no longer be included in a firm's profit margin calculation.

There are two primary reasons for modifying the profit margin limitation with respect to the activities it covers. First, because revenues derived from all activities of a firm including those unrelated to petroleum are now included in the profit margin calculation, the limitation neither accurately reflects nor effectively controls profits derived from petroleum and therefore does not function effectively as a backstop for the price regulations, its primary purpose. Second, one of the goals of the FEA is to increase domestic production of crude oil thereby making the United States less dependent on imported crude. To accomplish this goal there are incentives built into the regulations to allow firms to generate sufficient capital for use in increasing their domestic production of crude petroleum. By including the crude oil production activities of a firm in its profit margin calculation, these incentives to increase production are obtained only at the expense of lowered margins on refining and marketing operations. When major integrated companies operate their refineries at less than normal margins, independent refiners which do not engage in crude oil production must also lower their margins to continue to compete and thereby become less viable economic entities.

Pursuant to the proposed definitions of "domestic net sales" and "domestic volume", the sales or revenues primarily derived from the units consumed or sold by foreign operations would be excluded from the "unit profit margin" calculations.

3. The base period would be changed to be any two fiscal years, at the option of the firm, ending after August 15, 1968 and before May 15, 1973.

At present the base period consists of any two, at the option of the firm, of its fiscal years ending after August 15, 1968, except the year for which compliance is being measured. The August 15, 1968 date was chosen originally because it began a three-year period ending with the imposition of the August 15, 1971 wage and price freeze.

The current definition of base period permits a firm to use newly completed fiscal years each time it calculates its base period profit margin. Thus, a firm's profit margin is continually approaching its single highest yearly profit margin. This is not consistent with the objective of the base period concept, as it was intended to require a firm to use a base period of "normal" operations when calculating its profit margin. Accordingly, the base period for purposes of calculating the "adjusted base period unit profit margin" is limited to any two fiscal years ending between August 15, 1968 and May 15, 1973.

4. The regulations would be amended by adding a new paragraph (d)(3) to § 212.82 setting forth FEA's policy as to the accounting methods used by refiners in calculating their unit profit margin. A firm shall use generally accepted accounting principles consistently and historically applied when making unit profit margin calculations.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on Thursday, July 24, 1975, and if necessary to be continued on Friday, July 25, 1975, at Room 2105, 2000 M Street, NW., Washington, D.C., in order to receive oral presentation of data, views and argument from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request should be directed to FEA Executive Communications and must be received before 4:30 p.m., e.s.t., July 16, 1975. The request may be hand delivered to FEA Executive Communications, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through July 21, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., July 18, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C., 20461, before 4:30 p.m., e.s.t., July 23, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their or other person's presentations, and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to FEA Executive Communications before 4:30 p.m., July 22, 1975. Any person who makes an oral statement or any other person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules necessary for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hear-

ing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box DQ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Modification of Refiner's Profit Margin Rules." Fifteen copies should be submitted. All comments received by July 21, 1975, and all relevant information, will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its destination.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments on this proposal.

The inflationary impact of this proposal has been considered to the extent of information currently available to FEA, consistent with Executive Order 11821, issued November 27, 1974. The FEA does not, however, require refiners to report their non-product costs. Comments are specifically requested from refiners, therefore, on the amount of increased non-product costs, determined pursuant to § 212.87, which they have incurred for the month of June, 1975, and on the amount of the price increase that could be implemented by passing through all of those increased non-product costs in their July, 1975, sales. Amounts should be broken down by product and by type of cost. Additional increased non-product cost data, computed by other methods than that prescribed by § 212.87 may also be submitted, but the method of computation should be described. Such non-product cost information will be afforded confidential treatment by FEA, if such treatment is requested. Interested parties are hereby advised that failure to submit such information could result in a conclusion by FEA that it had insufficient data upon which to take final action in this proceeding.

(Emergency Petroleum Allocation Act of 1973 as amended, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

§§ 212.3 and 212.11 [Deleted]

1. Sections 212.3 and 212.11 are deleted.

2. Section 212.31 is amended to delete the definitions of "base period profit margin" and "profit margin;" to revise the definition of "base period;" and to add new definitions of "adjusted base period unit profit margin," "base period unit profit margin," "domestic net sales," "domestic volume," and "unit profit margin" to read as follows:

§ 212.31 Definitions.

* * * * *

"Adjusted base period unit profit margin" means the base period unit profit margin multiplied by the ratio of the —— index for the month of measurement to the —— index for the month of May 1973.

"Base period" means any two, at the option of the firm concerned, of the firm's fiscal years ending after August 15, 1968 and prior to May 15, 1973.

"Base period unit profit margin" means the average annual unit profit margin of the firm concerned for the base period.

"Domestic net sales" means the total gross receipts of a refiner during its most recently completed fiscal year, derived from the refining and marketing of petroleum, except that it does not include gross receipts of or from a foreign branch or division of such a refiner, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with foreign firms. A foreign entity, branch, or division is one located outside the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. However, gross receipts of domestic entities from U.S. export sales products are included in the determination of domestic net sales.

"Domestic volume" means the total number of units sold or consumed by a refiner during its most recently completed fiscal year, with respect to its refining and marketing of petroleum except that it does not include units sold or consumed by a foreign branch or division of such a refiner, or the units sold or consumed by a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the units sold or consumed by such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. However, units sold by domestic entities in U.S. export sales of petroleum are included in the determination of domestic volume.

"Unit profit margin" means with respect to the refining and marketing of petroleum, domestic operating income (domestic net sales less cost of sales and less normal and generally recurring costs of business operations, interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) computed in accordance with generally accepted accounting principles consistently and historically applied, divided by the total domestic volume of petroleum sold or consumed by the firm during the time period for which the unit profit margin is being measured. For purposes of computing a unit profit margin only revenues and costs of items and sales attributable to a firm's refining and marketing of petroleum shall be included. Revenues and costs of items and sales attributable to the first sale of domestic crude petroleum subject to Subpart D of this part are excluded.

* * * * *

4. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part. However, revenues received from exempt sales of crude oil, residual fuel oil and refined petroleum products and the number of units sold or consumed are included by the firm for purposes of computing unit profit margin as defined in § 212.31.

5. Section 212.82 is revised in paragraph (d) to read as follows:

§ 212.82 Price rule.

* * * * *

(d) *Profit margin limitation*—(1) *Scope.* A refiner shall compute a single adjusted base period unit profit margin, as defined in § 212.31, for all of its activities with respect to the refining and marketing of petroleum. For purposes of this paragraph, a refiner is a parent and its consolidated and unconsolidated entities. Any refiner which has been authorized to adjust its base period profit margin pursuant to an exception granted under the authority of the Economic Stabilization Program or the FEA may not calculate its adjusted base period unit profit margin pursuant to that exception.

(2) *General rule.* A refiner which charges a price for any covered item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price in excess of the base price is charged, exceed its adjusted base period unit profit margin as defined in § 212.31.

(3) *Accounting methods.* For the purposes of this paragraph, all computations

shall be made in accordance with generally accepted accounting principles consistently and historically applied.

[FR Doc.75-17625 Filed 7-2-75;12:43 pm]

[10 CFR Part 212]

CRUDE OIL IN CALIFORNIA

Gravity Price Differentials; Public Hearing

The Federal Energy Administration hereby gives notice of a proposed rulemaking and public hearing to consider whether to amend 10 CFR 212.73 (ceiling price rule) to permit an adjustment to the May 15, 1973 gravity price differential for heavy California crude oil, which, pursuant to the ceiling price rule, is currently reflected in prices charged for such oil.

Crude oil has historically been sold at prices that reflect, among other factors affecting quality, differing "gravity". "Gravity" is a measure of density or weight per unit volume. The American Petroleum Institute (API) system for measuring the density of crude oil is in degrees, with oil at ten degrees gravity (10° API) equivalent to the density of water, and with higher degree measurements indicating lesser densities. Water, at 10° API, for example, weighs 351 pounds per barrel, while gasoline, at 60° API weighs 259 pounds per barrel.

Historically, the lighter crude oil could more easily be separated into products for which demand (and prices) were higher, such as gasoline, diesel fuel, and jet fuel. Heavier crude oil, on the other hand, generally produced products of lesser demand, such as residual fuel oil. Refiners therefore generally paid a premium for higher degree crude oils.

The gravity of most crude oil falls between 26° API and 36° API. Crude oil produced in California, however is generally heavier, most being below 20° API.

The average national gravity price differential for crude oil on May 15, 1973 was between 2 and 2.5 cents per degree per barrel. The average gravity price differential in California, however, was 6.2 cents per degree per barrel. Pursuant to the ceiling price rule of 10 CFR 212.73, which limits the price that can be charged for crude oil subject to the rule to the highest posted price on May 15, 1973 for that grade of crude oil, plus $1.35 per barrel, "old" crude oil prices continue to reflect the gravity price differentials that were in effect on May 15, 1973.

Thus, since most of the crude oil produced in California is "heavy", and reflects a 6.2 cent gravity price differential, the current average price for "old oil" in California is $4.21 per barrel, compared with the FEA-computed national average price of $5.25 per barrel.

Submissions made to the FEA suggest that the gravity price differential that existed for California crude oil on May 15, 1973 resulted from two major historical factors, which may no longer be relevant. First, as noted above, most crude oil produced in California is heavy, and difficult to refine into light products, and the heavier crude oils were therefore used in 1973 primarily to produce residual fuel oils. Since residual fuel oils were used primarily as fuel for electric utilities, and competed with natural gas, which was available in abundant quantities at low prices, the price of residual fuel oils was relatively low. Second, although technology in the refining industry made conversion of heavy crude oil into the lighter products possible, the higher cost of the equipment necessary for this process tended to keep the prices of heavy crude oils low since those costs had to be recovered in sales of lighter products refined from light crude oil.

That these factors may no longer be of the same significance as in May, 1973 is suggested by the fact that the gravity price differential on crude oil produced in California that is not subject to the ceiling price rule ("new", "released", and "stripper well lease" crude oil) is no longer at the same level it was in May, 1973, but more closely approximates the amount of the differential that prevailed with respect to crude oils throughout the rest of the United States in May, 1973. California producers submit that this is the market response to changes in the circumstances which led in the past to the higher differential for California crude oil. Thus, residual fuel oil, particularly low-sulfur fuel oil, has become a high demand product in light of the lessened availability of natural gas, and therefore commands a relatively higher price compared to the lighter petroleum products than it formerly did. Also, the advanced technology refining capacity needed to convert heavy crude oil into light products may well be fully amortized by now. In addition, new refining techniques have been developed whereby heavy crude oils may be more desirable than light crude oils to produce new demand products such as unleaded gasoline.

The FEA cannot promulgate price regulations broad enough to encompass an entire industry and yet account for all differences in factual conditions that might possibly result in inequities. However, numerous petitions have been received by the FEA requesting an amendment to 10 CFR 212.73 to permit the May 15, 1973 gravity price differentials to be adjusted with respect to low gravity crude oil produced in California. These petitions submit that such an amendment would be in keeping with the FEA's commitment to stimulate domestic production by increasing the incentive and economic feasibility of recovering a greater percentage of the proven reserves that exist in the California heavy oil areas. They further submit that the current ceiling price for heavy crude oil does not substantially benefit consumers, but that consumers would ultimately benefit more from increased production of domestic crude oil, despite the modest price increase that would result from a permitted adjustment in the gravity differential. Any increased production resulting from such an adjustment would make additional crude oil available to reduce dependence on much higher priced foreign imports.

The FEA believes that this issue is one that merits careful consideration of all factors involved, before a determination as to whether an adjustment is appropriate can be made. Therefore, comments are requested as to the effect of the suggested adjustment in the gravity price differential from that which existed on May 15, 1973, to a lesser amount, possibly 2 or 3 cents per degree. The proposed amendment would permit determination of the ceiling price pursuant to § 212.73 for crude oil produced in California based upon the posted price for the highest degree API gravity petroleum produced in a given field less a reduction of an amount to be decided by FEA following the public hearing provided for herein per degree API gravity that the crude oil offered for sale is below the highest degree oil posted on May 15, 1973.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box DS, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Heavy California Crude Oil Differential." Fifteen copies should be submitted. All comments received by Wednesday, July 30, 1975 and all relevant information, will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at Room 2105, 2000 M Street, NW., Washington, D.C. on Tuesday, August 5, 1975 at 9:30 a.m., e.d.s.t., in order to receive comments from interested persons on matters set forth herein.

Any person who has an interest in the proposed rulemaking, or who is a representative of a group or class of persons having an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before Monday, July 28, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is the proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, August 1, 1975. Each

person selected to be heard will be so notified by the FEA before Friday, August 1, 1975 and must submit 100 copies of his statement to Allocation Regulation Development, FEA, Room 2214, 2000 M Street NW., Washington, D.C. before 4:30 p.m., e.d.s.t., Monday, August 4, 1975.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decisions made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. These will be given in the order of the original statements and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, Room 3309, FEA, before 4:30 p.m., e.d.s.t., Wednesday, July 30, 1975. Any person who wishes to ask a question may submit the question, in writing, to the presiding officer. The presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record, including transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended Pub. L. 93-511,; Federal Energy Administration Act of 1974, Pub. L. 93-285; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.73 is amended by revision of paragraph (b) and addition of a new paragraph (c) to read as follows:

§ 212.73 Ceiling Price Rule.

* * * * *

(b) *Ceiling price determination.* The ceiling price for a particular grade of domestic crude petroleum in a particular field (except in California which is covered in paragraph (c) below) is the sum of (1) the highest posted price at 6 a.m., local time, May 15, 1973, for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted; and (2) a maximum of $1.35 per barrel.

(c) In determining the ceiling price for domestic crude petroleum produced in California, a producer may charge a price for a particular grade of crude petroleum which is the highest posted price for the petroleum of highest degree API gravity in that field at 6 a.m., local time, May 15, 1973, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted, less a penalty of not less than __ cents per degree API gravity for each degree API gravity that the petroleum being offered for sale is below the gravity of the highest posted price petroleum, plus a maximum of $1.35 per barrel.

2. Section 212.194(b)(2) is revised to read as follows:

§ 212.194 Allocated Crude Pricing.

* * * * *

(b) *Rule.* * * *

(2) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter in Districts I–IV shall be the weighted average price for those Districts calculated under paragraph (b) of this section plus or minus 2 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in Districts I–IV, and, in District V, shall be the weighted average price for that District calculated under paragraph (b) of this section plus or minus —— cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in District V.

[FR Doc.75-17627 Filed 7-2-75;4:09 pm]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 544, 545]

[No. 75-589]

FEDERAL SAVINGS AND LOAN SYSTEM

Communications Among Members

JUNE 30, 1975.

Summary. The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the proposed amendment.

I. *Present situation.* Federal mutual associations are authorized to adopt an *optional* bylaw governing communications among members of the association.

II. *Proposed regulation.* A. Would provide for a mandatory procedure for communications among association members which would be applicable to all Federal mutual associations.

B. Would prohibit any such association from releasing its membership list without the prior written approval of the Federal Home Loan Bank Board, or a Principal Supervisory Agent thereof.

III. *Reason for proposed change.* To establish a means of communication among association members, which would be fair, orderly, uniform and effective, and would obviate any need for member access to the association's membership list for proxy solicitation purposes or otherwise.

The Federal Home Loan Bank Board considers it desirable to amend Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545), for the purposes described below. Accordingly, the Board hereby proposes to amend said Part 544 by deleting therefrom § 544.6(g) and to amend said Part 545 by adding a new § 545.28 thereto, to read as set forth below.

Prior to January 1966, the Board had not established a procedure for communication among members of a Federal association, and the rights of association members to obtain, inspect or copy the association membership list for proxy solicitation purposes or otherwise was governed by applicable provisions of Federal law.

The Board exercised its regulatory authority over communications among Federal association members by authorizing such associations to adopt optional bylaw (g) (§ 544.6(g)) of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6(g)), effective January 28, 1966. Optional bylaw (g) establishes a procedure whereby a member of an association who wishes to communicate with other members has the right to send said communication to the association, which in turn mails the communication to the members. The member desiring the communication

pays the association for the reasonable costs and expenses of the mailing. The association may refuse to mail communications which are made for an improper purpose. The reason for the authorization of the bylaw was explained by the Board in a November 21, 1968 interpretive opinion:

It was the purpose of the Board in authorizing this bylaw amendment to provide a fair, effective and orderly means of communication between members of a Federal savings and loan association. It was intended that such bylaw, if adopted by a Federal association, provide the sole authorized means by which a member of the association may communicate in writing with the membership. In particular, the bylaw is intended to provide for proxy solicitations by members, thus obviating any need which otherwise might exist for a membership list or for copying such information from the association's records. Further, the bylaw provision enables the solicitation of proxies to be carried out without the risk of harm to the association which might be caused by members who seek the identity of other members under the guise of proxy solicitation, but with the intention of utilizing the information thus obtained for improper purposes.

On October 9, 1974, the Board adopted a formal Ruling reaffirming its November 21, 1968 opinion. Such Board Ruling, in pertinent part, states (39 FR 38635).

The Board hereby reaffirms its November 21, 1968, opinion. It has been and still is the Board's position that when a Federal savings and loan association has adopted the bylaw set forth in 12 CFR 544.6(g), said bylaw provides the sole and exclusive means of communication between members of the association, and no member of such association is entitled to obtain, inspect or copy the membership list. The Board considers that the release or disclosure of the membership list, even though such list does not reflect the amount of savings of each member, could cause substantial harm to the association and/or its members, and would violate the privacy of the members. Further, the Board believes that individual members of the association have no need to obtain, inspect or copy the membership list, so long as the association is complying with bylaw (g). In this regard, it has been the Board's experience that bylaw (g) provides a fair and effective means of proxy solicitation by members.

The proposed amendment establishes a procedure (similar to the one now authorized by optional bylaw (g)) for communication among association members which would be mandatory for all Federal mutual associations. The Board does not question the need for communication among association members with respect to the business and affairs of the association, including the solicitation of proxies. However, the Board also is aware that release or disclosure of the association membership list could cause serious harm to the association and its members. Such harm is of concern to the Board not only as the chartering and supervisory authority for Federal associations but also as the operating head of the Federal Savings and Loan Insurance Corporation. In addition, the Board recognizes that members of the savings and borrowing public are concerned with their privacy and are sensitive regarding publication of information relating to their personal finances. In particular, the Board believes that savers would resent disclosure of the fact that they had an account at a particular savings and loan association, even though the amount of money in the account was not disclosed.

The proposed amendment—as is the case with bylaw (g)—is designed to prevent the various potential problems and abuses which are likely to result from the dissemination of the membership list while, at the same time, providing a fair and effective means whereby a member of a Federal mutual association can solicit the proxies of other members and otherwise communicate with other members for any legitimate purpose. The amendment is intended to strike a reasonable compromise among the rights of the members wishing to communicate, the rights of privacy of other members and the need to safeguard the association from improper proxy solicitations and other communications.

Paragraph (a) of the proposed amendment would provide that Federal mutual associations are prohibited from releasing or disclosing their membership lists, as defined therein, to any person or organization, except with the prior written approval of the Board, or a Principal Supervisory Agent thereof.

Paragraph (b) would provide that every member of a Federal mutual association shall have the right to inspect the records of the association which pertain solely to such member's own account.

Paragraph (c) would authorize communication, by the means specified in paragraph (d), among members of a Federal mutual association with respect to any matter related to the business or affairs of the association, except through "improper communications." The term "improper communications" is defined in paragraph (e). Said definition is based on regulations of the Securities and Exchange Commission relating to proxy solicitations. See 17 CFR 240.14a–8.

Paragraph (d) would establish the procedure to be followed by a member of the association who wishes to communicate with other members of the association. Such specified procedure, which is nearly identical to the procedure now authorized by optional bylaw (g), would permit every member of the association to communicate with other members in connection with matters germane to the business and affairs of the association by submitting written material to the association and requesting it to mail the material, at the expense of the requesting member, to other members of the association.

Paragraph (f) would provide that in the event the association refuses to comply with a member's request to communicate with other members under paragraph (d), the association must, within specified time periods, return the request to the member together with a specific reason for the refusal, and simultaneously provide the Board's Supervisory Agent with two copies of the material presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's written request, and any other relevant material.

If proposed § 545.28 is adopted by the Board, optional bylaw (g) would be revoked. All Federal mutual associations would be required to comply with proposed § 545.28.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 18, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 545.28 Communication between association members of a Federal mutual association.

(a) *Release or disclosure of membership lists prohibited.* (1) Federal mutual associations shall not release or otherwise disclose in any manner, directly or indirectly, their membership lists to any person except with the prior written approval of the Board: *Provided,* That nothing in this section shall be construed to deny access to such membership lists to officers of an association or to others employed by them in the usual course of conducting the association's business and affairs.

(2) As used in this section, the term "membership list" means any books or records or other documents of the association containing: (i) A list of the members of the association; (ii) their addresses; (iii) their savings account or loan balances or records; or (iv) any data from which such information could be reasonably constructed.

(3) In connection with requests under paragraph (a)(1) of this section for release of membership lists, the Board hereby delegates to the Principal Supervisory Agent, as defined in § 545.14(a)(3), of the district in which the home office of each such association is located the authority to approve or disapprove said requests and, in connection with approvals, the authority to specify the terms and conditions of said approvals.

(b) *Right of inspection of member's own records.* Each member of a Federal mutual association shall have the right to inspect the books and records of the association which pertain solely to such member's own savings or borrowing account or accounts.

(c) *Right of communication with other members.* Each member of a Federal mutual association shall have the right to communicate with other members of such association, by the means and procedures set forth in paragraph (d) of this section, with respect to any

matter related to the business or affairs of the association, except for "improper" communications, as defined in paragraph (e) of this section. The association may not defeat such right by redemption of a savings member's savings account in the association.

(d) *Member communications procedures*—(1) *Annual or special meetings.* Any member of a Federal association desiring to communicate with other members in connection with an annual meeting shall, not less than 30 days prior to the date of said annual meeting and not less than 10 days prior to the date of a special meeting, furnish the association with a request to communicate containing the following information: (i) Such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; (iii) a copy of the proposed communication and (iv) the date of the annual or special meeting of the members of the association at which he desires to present the matter for consideration. Within 10 days of receipt of such request in the case of an annual meeting and within 3 days of receipt of such request in the case of a special meeting, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper", as defined in paragraph (e) of this section. After receipt of such amount and sufficient copies of the member's communication, the association shall mail the same to all its members by a class of mail specified by the requesting member within 7 days of receipt of such amount and such copies in the case of an annual meeting and at the earliest practicable date prior to the meeting in the case of a special meeting (or, in either case, such later date as said member may specify).

(2) *Other communications.* Any member of a Federal association who desires to communicate with other members other than in connection with an annual or special meeting shall furnish the association with a request to communicate containing the following information: (i) Such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; and (iii) a copy of the proposed communication. Within 14 days of receipt of such request, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper," as defined in paragraph (e) of this section. After receipt of such amount and sufficent copies of the proposed communication, the association shall mail the same to all its members not later than 14 days following the receipt of such amount and such copies (or such later date as said member may specify).

(e) *"Improper communication" defined.* As used in this section, an "improper communication" is one which contains material which: (1) At the time and in the light of the circumstances under which it is made (i) is false or misleading with respect to any material fact, or (ii) omits to state any material fact necessary in order to make the statements therein not false or misleading, or necessary to correct any statement in any earlier communication on the same subject matter which has become false or misleading; (2) relates to the enforcement of a personal claim or the redress of a personal grievance against the association, its management or any other party; (3) consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause that is not significantly related to the business of the association or is not within the control of the association, in that it is not within the power of the association to effectuate; or (4) directly or indirectly, and without expressed factual foundation, (i) impugns character, integrity or personal reputation, or (ii) makes charges concerning improper, illegal or immoral conduct, or (iii) makes statements impugning the stability and soundness of the association.

(f) *Refusal to mail proposed communication.* (1) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d)(1) of this section shall, within 10 days of receipt of said request in the case of an annual meeting or 3 days in the case of a special meeting, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request and any other relevant material.

(2) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d)(2) of this section shall, within 14 days of receipt of said request, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request and any other relevant material.

(Sec. 5, 48 Stat., 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr., *Assistant Secretary.*

[FR Doc.75-17669 Filed 7-7-75;8:45 am]

[12 CFR Part 546]

[No. 75-591]

FEDERAL SAVINGS AND LOAN SYSTEM

Merger Applications

JUNE 30, 1975.

The Federal Home Loan Bank Board considers it desirable to delegate authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board, to approve certain merger applications where, because of the size of the merging associations and portions of the market involved, there would be no significant legal or economic anticompetitive impact. Accordingly, on the basis of such consideration and for such purpose, the Board hereby proposes to amend § 546.2 of the rules and regulations of the Federal Savings and Loan System (12 CFR 546.-2) as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

Section 546.2 would be amended by adding a new paragraph (g) to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(g) The approval of the Board (including recommending modifications of the plan of merger) required by paragraph (c) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.14(a)(3)) if all of the following conditions are met:

(1) The disappearing association, if insured has assets of less than $10,000,000 and if uninsured has assets of less than $5,000,000;

(2) The resulting association would have assets of less than $40,000,000;

(3) The resulting association would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging associations have offices;

(4) The resulting association would appear to account for less than 15 per-

cent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging associations have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing association has a net worth ratio of at least 5 percent;

(6) The resulting association would have a net worth ratio of at least 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director or controlling person of the disappearing association by the resulting association or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater;

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or $50 per monthly meeting attended, whichever is greater.

If the Principal Supervisory Agent recommends modifications of the plan of merger which are not accepted by the directors of both merging associations, the merger application shall be submitted by the Principal Supervisory Agent to the Board if requested by both merging associations.

In connection with the approval of a merger application under this paragraph (g), the Principal Supervisory Agent may approve the maintenance of an office of the disappearing association as a branch office or other facility such as a satellite office, mobile facility or agency of the resulting Federal association. In such connection, the Principal Supervisory Agent may also approve an application for insurance of accounts filed by an uninsured association merging into a Federal association. Disapproval of any merger application shall be made only by the Federal Home Loan Bank Board.

(Sec. 5, 406, 48 Stat. 132 as amended, 1259 as amended; (12 U.S.C. 1464, 1729), Reorg. Plan No. 3 of 1974; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–17672 Filed 7–7–75;8:45 am]

[12 CFR Part 555]

[No. 75–590]

FEDERAL SAVINGS AND LOAN SYSTEM

Insurance Agencies—Usurpation of Corporate Opportunity

JUNE 30, 1975.

The Federal Home Loan Bank Board deems it advisable to issue the following proposed Board Ruling to clarify the authority of a Federal savings and loan association, acting through a service corporation, to engage in the insurance brokerage business, the circumstances under which management of a Federal association shall be deemed to have usurped a corporate opportunity by operating for its own benefit an insurance agency, and the relief required in the event of usurpation of such corporate opportunity.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 555) by adding a new § 555.17 thereto, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by August 18, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 555.17 Insurance Agencies—Usurpation of Corporate Opportunity.

(a) Federal savings and loan associations, under the governing provisions of the Home Owners' Loan Act of 1933 (HOLA), are not empowered directly to operate an insurance agency or brokerage business. However, by Pub. L. No. 88–560, section 905 (September 2, 1964), Congress amended section 5(c) of the HOLA (12 U.S.C. 1464(c)) to permit Federal associations:

> * * * to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein * * *.

This amendment primarily was intended to enable Federal associations to invest in service corporations in order "to supplement and facilitate the services of the savings and loan associations." 110 Cong. Rec. 19332–33 (August 13, 1964) (remarks of Congressman Widnall).

(b) In order to implement and effectuate section 905 of Pub. L. No. 88–560, the Board, on September 8, 1965, added a new § 545.9–1 to the rules and regulations for the Federal Savings and Loan System ("Federal Regulations") (12 CFR 545.9–1) (30 FR 11715, September 14, 1965).

(1) The new § 545.9–1 authorized Federal savings and loan associations to invest in "general service corporations" subject to, and limited by, the specific provisions of the regulation. Paragraph (a) of § 545.9–1 provided for investments in service corporations without prior approval of the Board, if substantially all of the business of the corporation was limited to the activities specified and "pre-approved" by paragraph (a). The operation of an insurance agency or brokerage business was not one of the pre-approved activities.

(2) Paragraph (b) of §545.9–1 permitted investment in service corporations which did not come within the ambit of paragraph (a), but only with the "prior specific approval of the Board", obtained by means of an "application". The Board gave no indication, until November, 1967 that it considered the conduct of an insurance agency a permissible activity for a service corporation under paragraph (b). The 1965 regulation, in the Board's view, clearly did not reasonably raise the possibility that the operation of an insurance agency could be engaged in by a service corporation.

(c) On November 8, 1967, the Board adopted a Statement of Policy regarding service corporations, then codified as § 556.3 of the Federal Regulations (12 CFR 556.3) (32 FR 15747, November 16, 1967). With regard to "b"-type service corporations, the Statement of Policy provided that—

> * * * In addition to those activities which a Federal association as authorized to perform, the Board will consider for approval applications in which the service corporation, or a subsidiary, has authority to act as an insurance agent * * * primarily for the benefit of the service corporation members * * * .

Copies of the above-mentioned Statement of Policy were mailed on about February 15, 1968, to all insured savings and loan associations. Thereafter, an article appeared in the June, 1969, issue of the "Federal Home Loan Bank Board Journal" which reiterated the substance of the Statement.

(1) In the Board's opinion, its 1967 Statement of Policy was an unequivocal invitation to Federal associations and their service corporation subsidiaries to make application to engage in the operation of an insurance agency for the benefit of their members and, as an interpretation of § 545.9–1 of the Federal Regulations, clearly established the opportunity to engage in such an enterprise (providing it was legal under State law and the necessary approvals for the enterprise could be obtained from the appropriate State licensing and regulatory authorities). In this regard, the Board, during 1968 and 1969, received, acted upon and approved applications from Federal associations seeking Board permission to acquire or establish insurance agencies by means of wholly-owned "b"-type service corporations.

(d) On June 25, 1970, the Board amended § 545.9–1 of the Federal Regulations, and rescinded its November 8, 1967 Statement of Policy (35 FR 10751, July 2, 1970). Paragraph (a) of the amended § 545.9–1 delineated and enlarged the list of pre-approved activities for service corporations. The operation of an insurance agency or brokerage business continued to be one of the activities requiring prior Board approval. Paragraph (b) of the amended § 545.9–1 authorized Federal associations to invest in "b"-type service corporations if—

> The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries, consist solely of

one or more of the activities specified in subdivisions (i) through (xi) of paragraph (a)(4) of this section, and such other activities, including acting as insurance agent or broker, * * * as the Board may approve upon application therefor by such corporation or otherwise * * *.

The amended regulation was mailed to all insured savings and loan associations on July 1, 1970, accompanied by a covering letter, signed by the Chairman of the Board, which stated that the Board "encourages" applications from Federal associations to invest in service corporations engaged in activities not specified as pre-approved.

(e) On May 20, 1971, the Board again amended § 545.9–1 of the Federal Regulations (36 FR 9500, May 26, 1971). This amendment stated that the following activities by service corporations of Federal associations were pre-approved by the Board—

* * * Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as homeowners', fire, theft, automobile, life, health, and accident, but excluding title insurance and private mortgage insurance.

(f) Section 545.9–1 was further amended by the Board on December 14, 1973, to limit the pre-approved activities of service corporations (38 FR 35298, December 27, 1973). As a practical matter, the 1973 amendment requires prior Board approval of virtually all transactions whereby a director or officer of a Federal association would receive substantial consideration from the sale of any business, including an insurance agency, in which he has a beneficial interest to his association's service corporation, or a wholly-owned subsidiary thereof. In addition to the foregoing, the Board, on November 19, 1970, amended its Statement of Policy regarding conflicts of interest (§ 571.7 of the rules and regulations for Insurance of Accounts ("Insurance Regulations") (12 CFR 571.7)) (35 FR 18038, November 25, 1970). Such Statement, in pertinent part, provides:

Among the practices and conditions which have such adverse effects are conflicts between the accomplishment of the purposes of Title IV set forth in paragraph (a) of this section and the personal financial interests of directors, officers, and other affiliated persons of insured institutions. Conflicts of this type which have demonstrably resulted in such adverse effects are considered by the Board to be inherently unsafe and unsound practices and conditions. The Board accordingly holds that each director, officer, or other affiliated person of an insured institution has a fundamental duty to avoid placing himself in a position which creates, or which leads to or could lead to, a conflict of interest or appearance of a conflict of interest having such adverse effects.

Finally, on February 6, 1974, the Board adopted a Statement of Policy respecting "Corporate Opportunity in Insured Institutions" (§ 571.9 of the Board's Insurance Regulations (12 CFR 571.9)) (39 FR 6696, February 22, 1974). This statement reads as follows:

Directors and officers of an insured institution, and other persons having the power to direct the management of the institution, stand in a fiduciary relationship to the institution and its accountholders or shareholders. Out of this relationship arises, among other things, the duty of protecting the interests of the institutions. It is a breach of this duty for such a person to take advantage of a business opportunity for his own or another person's personal profit or benefit when the opportunity is within the corporate powers of the institution or a service corporation of the institution and when the opportunity is of present or potential practical advantage to the institution. If such a person so appropriates such an opportunity, the institution or service corporation may claim the benefit of the transaction or business and such person exposes himself to liability in this regard. In determining whether an opportunity is of present or potential practical advantage to an institution, the * * * [Board] will consider, among other things, the financial, managerial, and technical resources of the institution and its service corporation, and the reasonable ability of the institution directly or through a service corporation to acquire such resources.

(g) In light of the foregoing, the Board hereby rules that the operation of an insurance agency or brokerage business, initially in accordance with the Board's 1967 Statement of Policy and subsequently in accordance with the amendments to § 545.9–1 of the Federal Regulations, referred to above, has been a permissible activity since November 16, 1967, for a service corporation (or its wholly-owned subsidiary) of a Federal association in those States where the operation of such an agency or brokerage business is legal under State law and where approval to operate the enterprise, if required, could have been obtained from the appropriate State licensing and regulatory authorities. The Board also finds that the savings and loan industry has been put on notice that referral of the insurance business of the members of an insured savings and loan association to an insurance agency owned by officers or directors of the association, or by other persons having the power to direct the management of the association, involves, or could involve, the usurpation of a corporate opportunity, conflict of interest and breach of fiduciary duties to the association's members.

(h) Subject to the limitations of paragraph (i) of this section, since November 16, 1967 (and allowing thereafter for a reasonable period of time for a Federal association to investigate the feasibility and desirability of establishing or acquiring an insurance agency by means of a service corporation, or its wholly-owned subsidiary, and to obtain the necessary regulatory approvals for such establishment or acquisition), the referral of the insurance business (or renewal of such business) of the members of a Federal association to an insurance agency owned by officers or directors of the association, or by other persons having the power to direct the management of the association, shall be deemed an usurpation of a corporate opportunity belonging to the association, unless: (1) The Federal association is given the opportunity to engage in the insurance brokerage business by acquiring the existing affiliated insurance agency or establishing a new agency; and (2) a disinterested majority of the board of directors of the association, after receiving full and fair presentation of the matter, makes a decision to reject such opportunity as a matter of sound business judgment. In deciding the matter, it was and is incumbent upon the board of directors to take into consideration such factors as: (i) The financial resources of the association to establish or acquire an insurance agency; (ii) the risks involved in entering the insurance brokerage business; and (iii) the projected profitability of the insurance agency. Where, because of the involvement in the existing affiliated insurance agency by members of the board of directors of the Federal association, no independent vote and decision by a majority of disinterested directors is possible, the matter must be submitted to the vote of the association's members at a special or annual meeting. As of the effective date of this Ruling, no existing proxies may be used at such member's meeting. To the extent proxies are to be used, there must be a new proxy solicitation, accompanied by proxy solicitation material which makes full, fair and accurate disclosure of all relevant material and information respecting the corporate opportunity to enter the insurance brokerage business.

(i) Notwithstanding the provisions of paragraph (h) of this section, no corporate opportunity for a Federal association to enter the insurance brokerage business shall be deemed to exist if:

(1) A specific State statute or regulation would operate to prohibit a service corporation of a Federal association, or a wholly-owned subsidiary of the service corporation, from engaging in the insurance brokerage business;

(2) The Federal association, after filing an application, and making a *bona fide* attempt to obtain any necessary approval, is denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance brokerage business; or

(3) The State licensing or regulatory authorities, whose prior approval is required to engage in the insurance brokerage business, follow a well-known and established policy whereby they refuse to accept and/or process applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance brokerage business.

If any question with respect to subparagraph (1) of this paragraph exists, it was and is incumbent upon the Federal association to seek the opinion of a disinterested outside counsel as to whether under State law the association would be empowered to engage in the insurance brokerage business through a service

corporation or a wholly-owned subsidiary thereof. It is a sufficient defense to the charge of usurpation of corporate opportunity for the association to establish the matters set forth in subparagraph (2) or (3) of this paragraph; it is not necessary that the association institute mandamus or other legal proceedings against State officials to compel the acceptance, processing or approval of an application for permission to engage in the insurance brokerage business.

(j) It shall not be a defense, *per se*, to the charge of usurpation of corporate opportunity that the existing affiliated insurance agency includes business of a nature which is impermissible as an activity of a service corporation under § 545.9–1 of the Federal Regulations. In such a case, the procedures specified in paragraph (h) of this section apply, and it was and is incumbent that a disinterested majority of the board of directors of the Federal association decide whether: (1) The portion of the business of the existing affiliated insurance agency related to referrals from members of the Federal association could be spun off and acquired by the Federal association; or (2) it is feasible and desirable for the association, by means of a service corporation, or a wholly-owned subsidiary thereof, to establish or acquire its own insurance agency. If because of the involvement in the existing affiliated insurance agency by members of the board of directors no independent vote and decision by a majority of disinterested directors is possible, the matter must be submitted to the association's members as provided in paragraph (h) of this section.

(k) The usurpation of a corporate opportunity to engage in the insurance brokerage business by officers or directors of a Federal association, or by other persons having the power to direct the management of the association, entitles the Federal association to any and all profits of the affiliated insurance agency attributable to the business of association members referred to said agency by the association (including all profits from the renewal of policies on such referred business) for the entire period during which the usurpation of the corporate opportunity continued. However, in the situation covered by subparagraph (3) of paragraph (i) of this section, no corporate opportunity to engage in the insurance brokerage business is deemed to occur until the date on which the appropriate State licensing or regulatory authorities commence a policy of accepting and processing applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance brokerage business, and a reasonable period of time thereafter shall be allowed for the Federal association to investigate the feasibility and desirability of establishing or acquiring an insurance agency by means of a service corporation or a wholly-owned subsidiary thereof, and to obtain the necessary regulatory approvals for such establishment or acquisition.

(l) After December 31, 1975, no Federal association shall refer any insurance business from its members to any insurance agency owned by its officers or directors, or by other persons having the power to direct the management of the association, regardless of any previous vote by the association's board of directors or members declining to engage in the insurance brokerage business. However, the prohibition set forth in this paragraph shall not be applicable to those situations in which the conditions specified in subparagraphs (1), (2), or (3) of paragraph (i) of this Ruling exist.

(m) The term "owned" with respect to an insurance agency as used in this Ruling includes: (1) Ownership by a person through a spouse, minor child, or other relative by blood or marriage having the same home as such person; (2) ownership through a broker or other nominee or agent; or (3) ownership through a company controlled by such person. However, ownership of an insurance agency normally would not be sufficient to constitute a corporate opportunity for purposes of this ruling or within the ambit of the paragraph (1) prohibition if the person owns less than 5 percent of the equity securities of the insurance agency, or if all officers, directors or other persons having the power to direct the management of the Federal association, collectively, own less than 10 percent of such equity securities.

(n) This Ruling is directly applicable only to Federal associations. However, it is the Board's position that the usurpation of a corporate opportunity respecting the insurance business generated by an insured State savings and loan association, to the extent that such an usurpation is found to exist under State law, would be violative of §§ 571.7 and 571.9 of the Board's Insurance Regulations, would be inconsistent with sound and economical home financing, and also would constitute an unsafe and unsound practice. In such a case, it is the Board's further position that the State association is entitled to any and all profits attributable to the usurpation of the corporate opportunity in the same manner provided for a Federal association in paragraph (k) of this section.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–17670 Filed 7–7–75;8:45 am]

[12 CFR Part 563]

[No. 75–592]

INSURED INSTITUTIONS

Merger, Consolidation, or Purchase of Bulk Assets

JUNE 30, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to delegate authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, to approve certain applications for an increase in accounts of an insurable type as a part of any merger, consolidation or bulk purchase of assets in those instances where, because of the size of the institutions and portion of the market involved, there would be no significant legal or economic anticompetitive impact. Accordingly, on the basis of such consideration and for such purpose, the Board hereby proposes to amend § 563.22 (CFR 563.22) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

Section 563.22 would be amended to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(b) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.14(a)(3)) if all of the following conditions are met:

(1) The disappearing institution, if insured has assets of less than $10,000,000 and if uninsured has assets of less than $5,000,000;

(2) The resulting institution would have assets of less than $40,000,000;

(3) The resulting institution would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging institutions have offices;

(4) The resulting institution would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging institutions have offices,

based on mortgage recording data or such other evidence as is available;

(5) The disappearing institution has a net worth ratio of at least 5 percent;

(6) The resulting institution would have a net worth ratio of at least 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater;

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing institution or $50 per monthly meeting attended, whichever is greater.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if requested to do so by both institutions. Disapproval of any application shall be made only by the Corporation.

(Sec. 402–405, 48 Stat. 1256–1259, as amended (12 U.S.C. 1725–1728), Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr., *Assistant Secretary.*

[FR Doc.75–17671 Filed 7–7–75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

INTEREST ON DEPOSITS

Requests for Public Comments Concerning Individual Retirement Accounts

The Board of Governors, in conjunction with the other Federal financial regulatory agencies, is considering the appropriateness of amendments to Regulation Q (Interest on Deposits) (12 CFR Part 217) in light of the recently enacted Employee Retirement Income Security Act of 1974 (Pub. L. 93–406) which, in part, provides for the establishment of Individual Retirement Accounts (IRA's). Prior to consideration of specific regulatory proposals, the Board desires to obtain a broad sampling of public opinion on several issues raised by member banks offering IRA plans under the Board's existing regulations.

IRA's, established pursuant to section 408 of the Internal Revenue Code (26 U.S.C. 408), are retirement plans which may be created by persons who otherwise are not participants in existing pension plans. The statute provides that an individual may deduct up to $1,500 or 15 per cent of the compensation includable in his gross income for the taxable year, whichever is less, from his gross income in determining his Federal income tax. In addition, earnings on the contributions to an IRA are not taxable until distributed to the individual. Other provisions of the statute specify when distributions may be made, impose a 10 per cent penalty for premature withdrawal of funds, and establish conditions under which IRA funds may be transferred from one trustee or custodian to another. It is expected that many IRA's will be maintained at banks pursuant to trust or custodial agreements created between banks and individuals.

The Board requests public comments on the following issues relating to IRA's and Regulation Q:

(1) Would existing restrictions of Regulation Q relating to withdrawal of time deposits prior to maturity (12 CFR 217.4) unnecessarily interfere with the distribution of all or a part of the IRA deposit balance when the participant retires or becomes disabled?

The Board's existing regulations state that where a deposit is withdrawn prior to the maturity date of the deposit agreement, interest paid on the amount withdrawn may not exceed the savings rate and, in addition, three months of interest shall be forfeited. Consequently, IRA participants who choose to invest their funds in time deposits with long-term maturities in order to obtain higher rates of interest may incur a substantial interest penalty if these deposit instruments have not matured when the individual reaches retirement age (age 59½ pursuant to the statute) or when the individual becomes disabled and the IRA participant receives payment of all or part of his IRA funds. (A recent amendment to Regulation Q exempts from the interest penalty provision any funds withdrawn prior to maturity in the event of the depositor's death.)

In order to minimize the effect of the Board's existing interest penalty provision upon payout at retirement or disability, the Board wishes to receive comments on whether IRA participants and member banks offering IRA plans should be required to structure the maturities of their deposit agreements so that they come due at intervals coinciding with distribution pursuant to the IRA agreement entered into with the bank. Would such requirements unduly complicate the functioning of IRA's and impose an undue burden on individuals and banks in keeping track of maturing deposits and in planning distribution schedules at retirement such as to discourage participation in IRA offerings?

An alternative available under present regulations would be to invest IRA's into savings deposits or deposits with short-term maturities or notice requirement periods. Under existing rate structures, however, such action could result in a substantially lower overall rate of interest earned on IRA funds than would be possible if instruments with longer-term maturities or notice period requirements were available. Accordingly, the Board is interested in soliciting the views of the public on the question of whether an exception to the early withdrawal provision of Regulation Q is necessary to facilitate distribution of these funds when the individual retires or becomes disabled.

(2) In view of the 10 per cent penalty for early distribution of IRA funds, imposed by the IRA statute, does the existing penalty for withdrawal prior to maturity established by Regulation Q impose an unnecessary deterrent such that an exception to the Board's penalty rule should be considered for all withdrawals of IRA funds regardless of when made?

Title 26 U.S.C. 408 provides that where any distribution from an IRA is made before the individual attains age 59½ or becomes disabled, the participant shall incur a penalty in the amount of 10 per cent of the funds distributed. The Board's present penalty rule is intended to enforce the statutory prohibition against payment of a time deposit before maturity. The Board is interested in comments on whether the 10 per cent penalty on early distribution of IRA funds is sufficient to deter early withdrawal of IRA deposits such that the Board need not require member banks to impose the Regulation Q penalty for early withdrawal when IRA deposits are withdrawn prior to maturity.

(3) In view of the intent of Congress to encourage individuals to save for their retirement and in view of the fact that IRA deposits may remain on deposit at financial institutions for very long periods of time, should the existing schedule of ceiling interest rates that can be paid by banks on IRA deposits be increased and should member banks be permitted to pay interest on IRA deposits at rates that are equal to those that may be paid by savings and loan associations and mutual savings banks? Should these rates be competitive with those offered by insurance companies and mutual funds that also accept IRA funds?

Due to the long-term nature of IRA deposits and due to the effects of compounding, the ¼ per cent interest rate differential that exists between commercial banks and thrift institutions can result in a substantial difference in the amount of interest a participant can earn on his IRA funds. Further, Congress intended that individuals be encouraged to establish IRA's with a view toward accumulating assets sufficient to provide them with funds for their retirement period. Consequently, the higher the rate of interest that may be paid, the greater will be the amount of interest accumulated. In addition, there is the question as to whether the custodial or trustee nature of the IRA agreement places a fiduciary obligation upon the IRA custodian or trustee to place IRA funds only in institutions that may pay the highest rate of interest permitted by law.

(4) The Board is also interested in receiving comments on the effect of longer-term certificates on the stability of sources of funds for member banks and thrift institutions and the consequent insulation from disintermediation during periods of high market interest

rates. The Board requests comments concerning the potential for disintermediation brought about by shifting of IRA funds among investment alternatives by trustees and custodians of IRA deposits and due to "rollover" of IRA's from one trustee or custodian to another.

Generally, trustees and custodians are authorized to place funds in various types of investment. In addition, participants are permitted to "rollover" their IRA funds to another custodian or trustee once in three years without penalty. Accordingly, the Board is interested in obtaining public comments on the potential effects that the opportunity for such changes could have upon financial institutions.

(5) The Board requests comment on the question of the creation of new types of deposit instruments for IRA funds. These instruments might have the following characteristics:

(a) The rate of interest permitted to be paid on the instrument would increase over time such that banks would be permitted to pay higher rates of interest on IRA deposits that remain in the bank for correspondingly longer periods of time;

(b) An IRA participant nearing retirement would be permitted to convert an existing or maturing long-term time deposit to an "IRA Payout Certificate" that would permit the depositor to receive periodic payouts at no or reduced interest penalty in exchange for the customer's commitment to retain his IRA funds on deposit for a specified period of time.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1975. Such material will be made available for inspection and copying upon request except as provided in 12 CFR 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, June 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17648 Filed 7-7-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 456; Delegation of Authority No. 132]

DEPUTY DIRECTOR GENERAL OF THE FOREIGN SERVICE

Delegation of Authority

By virtue of the authority vested in the Secretary of State by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended; and by section 10 of Pub. L. 93–475, approved October 26, 1974 (88 Stat. 1441; 22 U.S.C. 2679a); and in the exercise of my authority under the provisions of section 150 of the Organization Manual of the Department of State, I hereby delegate authority to the Deputy Director General of the Foreign Service to provide for payment of a death gratuity to the surviving dependents of any Foreign Service employee of the Department of State who dies as a result of injuries sustained in the performance of duty outside the United States, in an amount equal to one year's salary at the time of death.

This delegation will be effective immediately.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

[FR Doc.75–17654 Filed 7–7–75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Andersen, Arthur Lee, Route 1, Box 1891, Anderson, California, convicted on or about May 4, 1960, in the District Court of Dodge County, Nebraska.

Anderson, Shirley Ann Gray, 2386 Eggleston Avenue, Borton, Michigan, convicted on June 21, 1963, in the Superior Court, King County, Washington.

Beenblossom, David A., 104 Maple Street, Apt. #1, Janesville, Iowa, convicted on May 4, 1972, in the District Court for Bremer County, Iowa.

Boner, Thomas Ward, 3691 Tibbs Drive, Nashville, Tennessee, convicted on January 19, 1966, in the Criminal Court, Davidson County, Tennessee.

Bowen, Richard Lee, Box 9, Leeper, Pennsylvania, convicted on August 4, 1972, and on October 12, 1972, in the Court of Common Pleas, Clarion County, Pennsylvania.

Brownell, Richard L., Box 402, Manchester Center, Vermont, convicted on April 14, 1958, in the Bennington Municipal Court, Bennington County, Vermont.

Crowley, Albert F., 4528 West Deming Place, Chicago, Illinois, convicted on October 30, 1952, in the District Court, Bexar County, Texas.

DeDominic, Anthony M., 2516 W. Montebello, Apt. 63, Phoenix, Arizona, convicted on January 12, 1971, and in March 1971, in the Superior Court, Plymouth Township, Pennsylvania.

Faser, William Boyd, 3515 W. 6th Avenue, Denver, Colorado, convicted on or about October 23, 1962, in the Denver District Court, Denver, Colorado.

Greear, Lester Banner, Rt 9, Britton Springs Road, Clarksville, Tennessee, convicted on February 1, 1974, in the United States District Court, Middle District of Tennessee.

Harves, Carl Dean, 4833 West 134th Place, Hawthorne, California, convicted on April 7, 1971, in the Circuit Court of Jackson County, Missouri.

Hoff, Byron, Route 2, Box 254, Goliad, Texas, convicted on June 20, 1974, in the United States District Court, Southern District of Texas.

Johnson, Charles A., 412 East 61st Street, Chicago, Illinois, convicted on May 15, 1961, in the Cook County Circuit Court, Illinois.

Jones, Billy Joe, 8315 Vanden, Union Lake, Michigan, convicted on November 5, 1951, in the United States District Court for the Eastern District of Michigan; and on or about May 6, 1953, in the Circuit Court for the County of Oakland, State of Michigan.

Langevin, George A. R., Star Route 550, Box 110, Marquette, Michigan, convicted on June 2, 1961, in the Circuit Court, Marquette County, Michigan.

McCool, Jayson Mark, 1314 W. 30th, Pine Bluff, Arkansas, convicted on December 18, 1970, in the District Court of Collins County, Texas.

Martin, Scott L., 232 NE 53rd Avenue, Portland, Oregon, convicted on May 7, 1970, and on September 23, 1970, in the Circuit Court, Multnomah County, Oregon.

Miller, Donald M., 4520 Flaming Gorge, Cheyenne, Wyoming, convicted on March 13, 1973, in a United States Court Martial, Elmendorf Air Force Base, Alaska.

Nelson, Dale Everett, 3500 Consaul Road, Schenectady, New York, convicted on or about June 23, 1961, in the Schenectady County Court, New York.

Sexton, Leslie H., 1207 North Tibbs Avenue, Indianapolis, Indiana, convicted on December 3, 1945, in the United States District Court, Eastern District of Illinois; and on June 3, 1947, in the United States District Court, Western District of Pennsylvania.

Smith, David Charles RD #2, Worthington, Pennsylvania, convicted on March 14, 1973, in the Court of Common Pleas, Armstrong County, Pennsylvania.

Southard, Richard B., 2033 Fargo Street, Klamath Falls, Oregon, convicted on October 21, 1971, in the Superior Court of the State of Washington for Lewis County.

Spencer, Charles Edward, 1512 McCullough, Lima, Ohio, convicted on January 23, 1964, and on March 19, 1968, in the Common Pleas Court of Allen County, Ohio.

Stoner, Newton E., Jr., 27 Willow Circle, Chambersburg, Pennsylvania convicted on January 21, 1963, in the Franklin County Criminal Court, Chambersburg, Pennsylvania.

Weber, Robert C., Lot #7, Whispering Pines Mobil Park, RD #3, DuBois, Pennsylvania, convicted on May 16, 1969, in the Niagara County Court, New York.

Signed at Washington, D.C., this 20th day of June 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75–17586 Filed 7–7–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on July 31 and August 1, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m. daily.

The agenda will be limited to briefings and discussions of matters of advanced technology required by Executive Order to be kept secret in the interest of national security, including intelligence systems and applications, antisubmarine warfare, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed

in section 552(b)(1) of Title 5, United States Code.

H. R. WARWICK,
Commander, JAGC, U.S. Navy.

JUNE 30, 1975.

[FR Doc.75-17570 Filed 7-7-75;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG), LASER DEVICES SUB-PANEL

Closed Meetings

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group Subpanel on Laser Devices will be held on Thursday and Friday, July 24-25, 1975, at the System Planning Corporation, Arlington, Virginia.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JULY 3, 1975.

[FR Doc.75-17709 Filed 7-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Kit Circus Operating Company, Inc., Doing business as Sells and Gray Circus, Post Office Drawer 1570, Winter Park, Florida 32789. Wilson Storey, General Manager.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT
Exhibitor

APPLICA'

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Traveling circus with exhibition of animals :
1 tiger- 1 lion
1 leopard- 1 monkey
2 elephants

3. APPLICANT. (Name/complete address and phone number of individual, business, agency, or institution for which permit is requested)
Kit Circus Operating Co.Inc.
dba Sells and Gray Circus
P.O. Drawer 1570
WINTER PARK, Florida,32789

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT WEIGHT
DATE OF BIRTH COLOR HAIR COLOR EYES
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Corporation
Business: Circus (traveling)
F.McClosky, President
P.O. Drawer 1570
Winter Park, Fla 32789
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
F. McClosky,Pres. 305/645-2221
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
State of Florida

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Traveling Circus throughout the U.S.A.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE
3/27/75

11. DURATION NEEDED
one year (renewable)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see letter attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In Ink) Wilson Storey, General Manager
DATE 3/26/75

APRIL 4, 1975.

DIRECTOR (FWS/LE)
U.S. Fish and Wildlife Service,
P.O. Box 19188,
Washington, D.C. 20036

DEAR SIR: In reply to your letter we are enclosing Form 3-200.

The animals exhibited together with our Circus are: 1 lion, 1 tiger, 1 leopard, 1 monkey, and 2 elephants.

The lion, tiger, leopard and monkey are lodged in a moving truck; each one has a separate compartment with ample space to move around; the truck carries its own water tank for emergency.

The elephants are kept outside during day time, and have their own truck for sleeping and traveling.

All our animals and equipment were inspected in DeLand, Florida on March 25th; animals were found healthy and in good conditions, and the places in which they are traveled were found adequate and answering regulations of the Department of Agriculture.

If there is more information needed, we shall supply it upon request.

Sincerely yours,

WILSON STOREY,
General Manager.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 7, 1975, will be considered.

Dated: June 30, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17629 Filed 7-7-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Harold C. Yanik, Post Office Box 306, Charlotte Court House, Virginia 23923.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To hold and try to breed Rothschild Mynahs - 3 pairs These birds hold a deep interest for me and all bird lovers. I would like to increase their numbers. And protect them.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
HAROLD C. YANIK
P.O. BOX 306
CHARLOTTE COURT HOUSE
VIRGINIA 23923
804-542-59-61

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT 5'10" WEIGHT 160
DATE OF BIRTH 5-17-25 COLOR HAIR BROWN COLOR EYES HAZEL
PHONE NUMBER WHERE EMPLOYED 804-542-5961 SOCIAL SECURITY NUMBER 046-14-6348
OCCUPATION BIRD BREEDER-DEALER
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NONE

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
HOME - STATE RTE 645
CHARLOTTE COURT HOUSE
VIRGINIA 23923

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 50.00

10. DESIRED EFFECTIVE DATE JAN 10, 1975

11. DURATION NEEDED AS LONG AS POSSIBLE

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Harold C. Yanik DATE Jan 10, 1975

3-200 (6/74)

JANUARY 10, 1975.

REGIONAL DIRECTOR
Department of Interior, Fish and Wildlife Service, Washington, D.C. 20240.

Re Permit to obtain endangered species birds.

DEAR SIR: I am applying for a permit to obtain 3 pairs of Rothschild Mynahs (*Leucopsar rothschildi*) from the National Zoo in Washington, D.C. I have already requested and obtained permission from Mr. Guy Greenwall, Curator of Birds at the National Zoo, to acquire the birds for breeding purposes.

I am basically a bird breeder, and the Rothschild Mynahs are of particular interest to me, and I would appreciate a permit from you to obtain the birds for breeding and preservation purposes. I feel they should be in the hands of a breeder of rare birds, who can breed them and help to increase the number of these beautiful birds.

Am enclosing a check in the amount of $50.00 for the permit.

I want to thank you in advance for expediency in obtaining the permit, as the birds are available for immediate release from the National Zoo.

Yours truly,

HAROLD C. YANIK.

JUNE 2, 1975.

REGIONAL DIRECTOR,
Department of Interior, Fish and Wildlife Service, Washington, D.C. 20036.

Re File #PRT8-162.

DEAR SIR: As per my telephone conversation with Mrs. Gillis, I hereby submit further information for the permit I requested on January 10, 1975.

I would like to obtain six Rothschild Mynah (*Leucopar rothschildi*) birds from the National Zoo in Washington, D.C., for the sole purpose of breeding the birds. There are three males and three females at the National Zoo at this time, and Mr. Guy Greenwall, Curator of Birds, has given permission for me to obtain these birds upon approval of my application. The six birds were hatched early in the year 1974 at the National Zoo. Upon acceptance of my application, I shall personally make the trip to Washington, D.C. and transport the birds so they will not be subjected to the stress of an airline shipment.

The aviaries which are on the same grounds as my home have been professionally constructed within the last 9 months. I am enclosing a picture of two of them, which are adjoining. Aviary #1 is 24' x 44', with electricity, central oil furnace, water, insulated, and has a concrete floor. Aviary #2 is 24' x 38' and has 12 indoor-outdoor flights with insulation, water and central heat. Aviary #3 will be completed by June 5, and has eleven large indoor-outdoor flights. I am very pleased with buildings, as they have all been constructed with all the necessary conveniences for the birds to stay in good health.

I have been breeding birds for thirty years. I am known nationwide for my fair dealings and experience with birds. I am enclosing copies of a few letters from various Zoos which I have supplied birds.

I am extremely interested in breeding the Rothschild Mynahs, so that the birds will not become extinct, and other people and Zoos will have an equal opportunity to enjoy the birds.

With the aviaries on my personal property, I will have a better chance to observe and maintain proper care and diet for the Mynahs, as I do with many other rare species I also own and breed.

If there are any further questions, please contact me, and I shall submit any further information you may need. If not, I want to take this opportunity to thank you in advance for the consideration you have shown me.

Sincerely,

HAROLD C. YANIK.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 7, 1975, will be considered.

Dated: June 30, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17630 Filed 7-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN REVISION FOR THE ARAPAHO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan for the Arapaho National Forest. The Forest Service report number is USDA-FS-R2-FES(Adm) FY-75-04.

This proposal is to revise the 1961 Timber Management Plan for the Arapaho

National Forest. Such plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on December 18, 1974.

This final environmental statement was transmitted to CEQ on June 30, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, 11177 Wests 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

USDA, Forest Service, Arapaho National Forest, 301 S. Howes, P.O. Box 1366, Fort Collins, Colorado 80521.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, PO. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

JUNE 30, 1975.

[FR Doc.75-17644 Filed 7-7-75;8:45 am]

Soil Conservation Service

STATE CONSERVATIONISTS

Authorization for Watershed Planning

This provides notice of authorization dated June 26, 1975, to the concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationists may now proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Pub. L. 91-190), concurrently with the preparation of the watershed plans.

Persons interested in these projects may contact the local organizations or the state conservationists as indicated below:

Alabama: *Line Creek Watershed* (Reauthorization); 111,641 acres; Montgomery, Bullock, and Macon Counties.

Sponsors—Bullock Soil and Water Conservation District, Montgomery County Soil and Water Conservation District, Line Creek Conservancy District, Macon County Soil and Water Conservation District, Bullock County Commissioners, Macon County Commissioners, and Montgomery County Commissioners.

State Conservationist—Mr. William B. Lingle, Soil Conservation Service, P.O. Box 311, Auburn, Alabama 36830.

Arkansas: *Village Creek Watershed;* 179,380 acres; Lawrence, Randolph, Jackson, Greene, and Craighead Counties, Arkansas.

Sponsors—Jackson County Soil and Water Conservation District, Lawrence County Conservation District, and Randolph County Conservation District.

State Conservationist—Mr. Maurice J. Spears, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203.

Colorado: *Sentry Box Watershed;* 52,340 acres, Saguache County.

Sponsors—Sentry Box Mutual Irrigation Company, Center Soil Conservation District, Saguache County Commissioners, Rio Grande Water Conservation District, and Rio Grande Water Users Association.

State Conservationist—Mr. Merritt D. Burdick, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217.

Connecticut: *Farm River Watershed;* 12,990 acres; New Haven County.

Sponsor—Connecticut Department of Environmental Protection.

State Conservationist—Mr. Robert G. Halstead, Soil Conservation Service, Mansfield Professional Park, Route 44A, Storrs, Connecticut 06268.

Hawaii: *Kekaha Watershed;* 13,250 acres; Kauai County.

Sponsors—West Kauai Soil and Water Conservation District and County of Kauai.

State Conservationist—Mr. Francis C. H. Lum, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Mississippi: *Bear Creek Watershed;* 109,366 acres, Lenore, Sunflower, and Humphreys Counties.

Sponors—Bear Creek Master Water Management District, Leflore County Soil Conservation District, Humphreys County Soil Conservation District, and Sunflower County Soil Conservation District.

State Conservationist—Mr. William L. Heard, Soil Conservation Service, Milner Building, Room 590, P.O. Box 610, Jackson, Mississippi 39205.

Missouri: *Mozingo Creek Watershed;* 23,988 acres; Nodaway County.

Sponsors—Nodaway County Soil and Water Conservation District, Nodaway County Court, City of Maryville, and Nodaway County Subdistrict.

State Conservationist—Mr. J. Vernon Martin, Soil Conservation Service, Parkade Plaza Shopping Center, P.O. Box 459, Columbia, Missouri 65201.

North Carolina: *Limestone-Muddy Creek Watershed;* 60,591 acres; Duplin County.

Sponsors—Dublin Soil and Water Conservation District, Duplin Watershed Improvement Commission, and Duplin County Board of Commissioners.

Tri-Creek Watershed; 71,600 acres; Rowan County.

Sponsors—Rowan Soil Conservation District, Rowan County Commissioners, Rowan County Watershed Commission, Town of China Grove, City of East Spencer, Town of Landis, Town of Spencer, and City of Salisbury.

State Conservationist—Mr. Jesse L. Hicks, Soil Conservation Service, 310 New Bern Avenue, Room 544, Federal Office Building, P.O. Box 27307, Raleigh, North Carolina 27611.

Oklahoma: *Hoyle Creek Watershed;* 36,768 acres; Major County.

Sponsor—Major County Conservation District.

State Conservationist—Mr. Hampton Burns, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

Pennsylvania: *Bull Run Watershed;* 5,390 acres; Union County.

Sponsors—Union County Commissioners, Lewisburg Borough Council, and Union County Conservation District.

State Conservationist—Mr. Benny Martin, Soil Conservation Service, Federal Building & U.S. Court House, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.

South Dakota: *Turkey-Clay Creek Watershed;* 162,700 acres; Clay, Hutchinson, Turner, and Yankton Counties.

Sponsors—Hutchinson County Conservation District, Yankton County Conservation District, Turner County Conservation District, and Clay County Conservation District.

State Conservationist—Mr. Vincent W. Shally, Soil Conservation Service, 239 Wisconsin Avenue, SW, P.O. Box 1357, Huron, South Dakota 57350.

Texas: *Big Creek Watershed;* 227,800 acres; Falls, Limestone, and McLennan Counties. & U.S. Court House, Box 985, Federal Square

Sponsors—Falls County Water Control and Improvement District No. 1, Limestone-Falls Soil and Water Conservation District, McLennan County Soil and Water Conservation District, Falls County Commissioners Court, Limestone County Commissioners Court, and McLennan County Commissioners Court.

State Conservationist—Mr. Edward E. Thomas, Soil Conservation Service, 16-20 South Main Street, P.O. Box 648, Temple, Texas 76501.

Utah: *Muddy Creek Watershed;* 187,260 acres; Sanpete, Sevier, and Emery Counties.

Sponsor—San Rafael Soil Conservation District.

State Conservationist—Mr. A. W. Hamelstrom, Soil Conservation Service, 4012 Federal Building, 125 So. State Street, Salt Lake City, Utah 84138.

Virginia: *Carters Run Watershed;* 25,500 acres; Fauquier County.

Sponsors—John Marshall Soil and Water Conservation District and Fauquier County Board of Supervisors.

State Conservationist—Mr. David N. Grimwood, Soil Conservation Service, Federal Building, Room 9201, P.O. Box 10026, Richmond, Virginia 23240.

Washington: *Clear Creek Watershed;* 7,600 acres; Pierce County.

Sponsors—Drainage District No. 10, Drainage District No. 14, Pierce County Conservation District, and Pierce County Commissioners.

Sumas River Watershed; 33,868 acres; Whatcom County.

Sponsors—Whatcom County Conservation District, Whatcom County Commissioners, and Sumas Flood Control Zone District.

State Conservationist—Mr. Galen S. Bridge, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201.

Wisconsin: *East Branch of the Montreal River Watershed* (and Michigan); 52,860 acres; Iron County, Wisconsin, and Gogebic County, Michigan.

Sponsors—Iron County Soil and Water Conservation District, Gogebic County Soil and Water Conservation District, and City of Ironwood.

Kewaunee River Watershed; 88,600 acres; Brown and Kewaunee Counties.

Sponsors—Kewaunee County Soil and Water Conservation District and Brown County Soil and Water Conservation District.

State Conservationist—Mr. Richard W. Akeley, Soil Conservation Service, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53702.

Wyoming: *Douglas Watershed;* 37,100 acres; Converse County.

Sponsors—Town of Douglas, LaPrele-Glenrock Conservation District, and Converse County Commissioners.

State Conservationist—Mr. Blaine O. Halliday, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 26, 1975.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

[FR Doc.75-17645 Filed 7-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on August 6, 1975, in Room 3817, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of the Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Foreign Licensing.
5. Puerto Rico Excise Tax.
6. Fiber and Care Labeling.
7. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Deputy Assistant Secretary for
Resources and Trade Assistance.

[FR Doc.75-17686 Filed 7-7-75;8:45 am]

National Oceanic and Atmospheric Administration

CITICORP LEASING, INC.

Bareboat Charter of Vessels to a Company Under Foreign Control; Withdrawal of Application for Approval

JULY 1, 1975.

Whereas Citicorp Leasing, Inc., 399 Park Avenue, New York, New York 10022, has withdrawn the application which it submitted on October 11, 1974, to the Maritime Administration of the Department of Commerce for the approval of the bareboat charters of the oil screw fishing vessels KINGFISH and POMPANO to Whitney-Fidalgo Seafoods, Inc., 2360 West Commodore Way, Seattle, Washington 98199.

Now, therefore, notice is hereby given that the National Marine Fisheries Service has cancelled plans to hold additional hearings on this subject in Kodiak, Alaska, and considers the matter closed.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-17646 Filed 7-7-75;8:45 am]

Office of the Secretary

COLOR TELEVISION RECEIVERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for color television receivers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Color Television Receivers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230, on or before July 28, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

Issued: July xx, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Color Television Receivers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—COLOR TELEVISION RECEIVERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test methods.
5.0 Method for determining efficiency.
6.0 Base data.
7.0 Goal.
8.0 Method for calculating the goal.
9.0 Monitoring and record keeping requirements.
10.0 Participation in the Program.
11.0 Privileged material.

Appendix A—Method for Calculating the Industry Goal—An Example.
Appendix B—Form for Manufacturer's Notice of the Intent To Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Color Television Receivers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new color television receivers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class

consisting of all color television receivers as defined in 3.8.

2.2 Individual units of color television receivers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of color television receivers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of color television receivers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on color television receivers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of color television receivers who are participants in the Program.

3.8 The term "color television receiver" means an apparatus designed to convert incoming electric signals into color television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

3.9 The term "basic model group" means all color television receivers actually manufactured or assembled by one manufacturer and having the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, cabinetry, color, sales model number, and brand name.

3.10 The term "factory shipment" means the number of color television receivers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.11 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test methods.*

4.1 Samples of color television receivers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of color television receivers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of color television receiver may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of color television receiver, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs, that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1, is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of color television receiver.

4.3 Ratings for color television receivers shall be as follows:

4.3.1 Energy consumption shall be reported in kilowatt-hours per year and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Receiver Energy Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on color television receivers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for determining efficiency.*

5.1 The basic measure of efficiency for color television receivers shall be the Receiver Energy Efficiency (REE) which shall be reported in percent.

5.2 The Receiver Energy Efficiency is computed as:

$$REE = \frac{28,600}{E}$$

where

REE = Receiver Energy Efficiency, percent

and

E = energy consumption, kWh per year, as determined under 4.1

This calculation is rounded to the nearest 0.1.

5.3 The factory shipment weighted Receiver Energy Efficiency for a manufacturer shall be equal to the sum of the products of the energy consumption for each model the manufacturer shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the manufacturer for that year multiplied by the constant 28,600. This quotient shall be rounded to the nearest 0.1.

5.4 The factory shipment weighted Receiver Energy Efficiency for the industry shall be equal to the sum of the products of the energy consumption for each model the industry shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the industry in that year multiplied by the constant 28,600. This quotient shall be rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in Appendix A below.

6.0 *Base data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the annual energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 42 percent decrease in the total annual energy usage for the total number of 1980 factory shipped color television receiver models when compared with the total annual energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in Appendix A below.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Receiver Energy Efficiency for the industry. The goal shall be determined by calculating the factory shipment weighted Receiver Energy Efficiency for the industry for the base year 1972, and then dividing by 0.58. This recalculated factory shipment weighted Receiver Energy Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Receiver Energy Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Receiver Energy Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for calculating the goal.*

8.1 For the base year 1972, factory shipment weighted Receiver Energy Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Receiver Energy Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Receiver Energy Efficiency for the industry divided by 0.58.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Receiver Energy Efficiency goal for the industry and the 1972 factory shipment weighted Receiver Energy Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Receiver Energy Efficiency for a manufacturer and the 1980 industry goal is given in Appendix A below.

9.0 *Monitoring and record keeping requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped last year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Receiver Energy Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Receiver Energy Efficiency for the industry and notify each manufacturer separately of his own factory shipment weighted Receiver Energy Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B below and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of color television receivers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A—METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Receiver Energy Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Receiver Energy Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Receiver Energy Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Receiver Energy Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Receiver Energy Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Receiver Energy Efficiency for the industry by 0.58. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Receiver Energy Efficiency goal.

TABLE 1.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer A*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	17	402	61.9	10,000	4,620,000
2	19	572	50.0	40,000	22,880,000
3	19	616	46.4	30,000	18,480,000
[1] 4	25	660	43.3	20,000	13,200,000
				100,000	59,180,000

Factory shipment weighted receiver energy efficiency for manufacturer A=28,600×100,000/59,180,000=48.3 percent

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to use 694.7 kWh/yr, thus having a receiver energy efficiency of 41.2 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10 percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted receiver energy efficiency is calculated as:

$$REE=\frac{28,600}{694.7\times(1-0.1\times0.5)}=\frac{28,600}{660}=43.3 \text{ percent}$$

TABLE 2.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer B*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthour per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthour per year times factory shipment
1	19	528	54.2	10,000	5,280,000
2	21	638	44.8	20,000	12,760,000
3	21	660	43.3	30,000	19,800,000
4	23	704	40.6	60,000	42,240,000
5	25	748	38.2	30,000	22,440,000
				150,000	102,520,000

Factory shipment weighted receiver energy efficiency for manufacturer B=28,600×150,000/102,520,000=41.9 percent.

TABLE 3.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer C*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthour per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthour per year times factory shipment
1	13	264	108.3	20,000	5,280,000
2	17	374	76.5	30,000	11,220,000
3	19	550	52.0	60,000	33,000,000
4	21	396	72.2	40,000	15,840,000
				150,000	65,340,000

Factory shipment weighted receiver energy efficiency for manufacturer C=28,600×150,000/65,340,000=65.7 percent

TABLE 4.—*Calculation of factory shipment weighted receiver energy efficiency for the industry*

Manufacturer	Kilowatthour per year times factory shipment	Factory shipment
A	59,180,000	100,000
B	102,520,000	150,000
C	65,340,000	150,000
	227,040,000	400,000

Factory shipment weighted receiver energy efficiency for the industry=28,600×400,000/227,040,000=50.4 percent.

The assigned factory shipment weighted receiver energy efficiency for the industry for 1980=(28,600×400,000)/(0.58×227,040,000)=86.9 percent.

TABLE 5.—*Changes per manufacturer (percent)*

Manufacturer	1972 receiver energy efficiency	Assigned receiver energy efficiency	Required change
A	48.3	86.9	+38.6
B	41.9	86.9	+45.0
C	65.7	86.9	+21.2

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230.

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to color television receivers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Color Television Receivers (40 FR——), including provision to the Secretary's designated agent of the information enumerated in sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is ———.

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17614 Filed 7-7-75;8:45 am]

MONOCHROME TELEVISION RECEIVERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for monochrome television receivers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Monochrome Television Receivers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230, on or before July 28, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture. Issued:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Monochrome Television Receivers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—MONOCHROME TELEVISION RECEIVERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test methods.
5.0 Method for determining efficiency.
6.0 Base data.
7.0 Goal.
8.0 Method for calculating the goal.
9.0 Monitoring and record keeping requirements.
10.0 Participation in the Program.
11.0 Privileged material

Appendix A—Method for Calculating the Industry Goal—An Example

Appendix B—Form for Manufacturer's Notice of the Intent to Participate in the Program

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Monochrome Television Receivers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new monochrome television receivers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all monochrome television receivers as defined in 3.8.

2.2 Individual units of monochrome television receivers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of monochrome television receivers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of monochrome television receivers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on monochrome television receivers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of monochrome television receivers who are participants in the Program.

3.8 The term "monochrome television receiver" means an apparatus designed to convert incoming electric signals into monochrome television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

3.9 The term "basic model group" means all monochrome television receivers actually manufactured or assembled by one manufacturer and having identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, cabinetry, color, sales model number, and brand name.

3.10 The term "factory shipment" means the number of monochrome television receivers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.11 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test methods.*

4.1 Samples of monochrome television receivers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of monochrome television receivers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of monochrome television receiver may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of monochrome television receiver, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs, that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1, is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of monochrome television receiver.

4.3 Ratings for monochrome television receivers shall be as follows:

4.3.1 Energy consumption shall be reported in kilowatt-hours per year and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Receiver Energy Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on monochrome television receivers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for determining efficiency.*

5.1 The basic measure of efficiency for monochrome television receivers shall be the Receiver Energy Efficiency (REE) which shall be reported in percent.

5.2 The Receiver Energy Efficiency is computed as:

$$REE = \frac{8,800}{E}$$

where

REE=Receiver Energy Efficiency, percent and

E=energy consumption, kWh per year, as determined under 4.1

This calculation is rounded to the nearest 0.1.

5.3 The factory shipment weighted Receiver Energy Efficiency for a manufacturer shall be equal to the sum of the products of the energy consumption for each model the manufacturer shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the manufacturer for that year multiplied by the constant 8,800. This quotient shall be rounded to the nearest 0.1.

5.4 The factory shipment weighted Receiver Energy Efficiency for the industry shall be equal to the sum of the products of the energy consumption for each model the industry shipped in a given year and the factory shipment of that model in the given year the resulting sum then being divided into the total factory shipment of all models of the industry in that year multiplied by the constant 8,800. This quotient shall be rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in Appendix A below.

6.0 *Base data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy savings feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the annual energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be

maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 48 percent decrease in the total annual energy usage for the total number of 1980 factory shipped monochrome television receiver models when compared with the total annual energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in Appendix A below.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Receiver Energy Efficiency for the industry. The goal shall be determined by calculating the factory shipment weighted Receiver Energy Efficiency for the industry for the base year 1972, and then dividing by 0.52. This recalculated factory shipment weighted Receiver Energy Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Receiver Energy Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Receiver Energy Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method of calculating the goal.*

8.1 For the base year 1972, factory shipment weighted Receiver Energy Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Receiver Energy Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Receiver Energy Efficiency for the industry divided by 0.52.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Receiver Energy Efficiency goal for the industry and the 1972 factory shipment weighted Receiver Energy Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Receiver Energy Efficiency for a manufacturer and the 1980 industry goal is given in Appendix A below.

9.0 *Monitoring and record keeping requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Receiver Energy Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Receiver Energy Efficiency for the industry and notify each manufacturer separately of his own factory shipment weighted Receiver Energy Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B below and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of monochrome television receivers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged material.* Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A—METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Receiver Energy Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Receiver Energy Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Receiver Energy Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Receiver Energy Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Receiver Energy Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Receiver Energy Efficiency for the industry by 0.52. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Receiver Energy Efficiency goal.

TABLE 1.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer A*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	13	198	44.4	10,000	1,980,000
2	17	264	33.3	30,000	7,920,000
3	19	319	27.6	20,000	6,380,000
[1] 4	25	396	22.2	40,000	15,840,000
				100,000	32,120,000

Factory shipment weighted receiver energy efficiency for manufacturer A=8,800×100,000/32,120,000=27.4 percent.

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to use 416.8 kWh/yr, thus having a receiver energy efficiency of 21.1 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10 percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted receiver energy efficiency is calculated as:

$$REE=\frac{8,800}{416.8\times(1-0.1\times0.5)}=\frac{8,800}{396}=22.2 \text{ percent}$$

TABLE 2.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer B*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	17	176	50.0	25,000	4,400,000
2	18	198	44.4	30,000	5,940,000
3	19	242	36.4	30,000	7,260,000
4	19	264	33.3	50,000	13,200,000
5	25	330	26.7	15,000	4,950,000
				150,000	35,750,000

Factory shipment weighted receiver energy efficiency for manufacturer B=8,800×150,000/35,750,000=36.9 percent.

TABLE 3.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer C*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	12	132	66.7	10,000	1,320,000
2	16	154	57.1	20,000	3,080,000
3	19	176	50.0	30,000	5,280,000
4	22	231	38.1	40,000	9,240,000
				100,000	18,920,000

Factory shipment weighted receiver energy efficiency for manufacturer C8,800×100,000/18,920,000=46.5 percent

TABLE 4.—*Calculation of factory shipment weighted receiver energy efficiency for the industry*

Manufacturer	Kilowatthours per year times factory shipment	Factory shipment
A	32,120,000	100,000
B	35,750,000	150,000
C	18,920,000	100,000
	86,790,000	350,000

Factory shipment weighted receiver energy efficiency for the industry=8,800×350,000/86,790,000=35.5 percent.

The assigned factory shipment weighted receiver energy efficiency for the industry for 1980=(8,800×350,000)/(0.52×86,790,000)=68.3 percent.

TABLE 5.—*Changes per manufacturer (percent)*

Manufacturer	1972 receiver energy efficiency	Assigned receiver energy efficiency	Required change
A	27.4	68.3	+40.9
B	36.9	68.3	+31.4
C	46.5	68.3	+21.8

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230.

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to monochrome television receivers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Monochrome Television Receivers (40 FR——), including provision to the Secretary's designated agent of the information enumerated in sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is_____.

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17615 Filed 7-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F-0095]

ASHLAND OIL, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5H3086) has been filed by Ashland Chemical Co., Division of Ashland Oil, Inc., 5200 Blazer Pkwy., P.O. Box 2219, Columbus, OH 43216, proposing that § 121.2547(b)(9) (21 CFR 121.2547 (b)(9)) of the food additive regulations be amended to provide for the safe use of isopropyl alcohol as an optional ingredient in the sanitizing solution.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 30, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-17591 Filed 7-7-75;8:45 am]

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17593 Filed 7-7-75;8:45 am]

[FDA-225-75-8002]

QUALITY ASSURANCE FOR DRUGS, BIOLOGICS, CHEMICALS AND REAGENTS

Memorandum of Understanding With the Health Services Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration has executed a Memorandum of Understanding with the Health Services Administration, Rockville, MD. The purpose of the memorandum is to formalize an agreement regarding responsibility for quality assurance for certain drugs, biologics, chemicals and reagents. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTH SERVICES ADMINISTRATION AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To formalize an agreement between the Health Services Administration (HSA) and the Food and Drug Administration (FDA) in which FDA is to be responsible for providing quality assurance for drugs, biologics, chemicals, and reagents that HSA procures, stores, and distributes.

II. *Background.* The Office of Management and Budget (OMB) and the General Accounting Office (GAO) completed separate studies in late 1973 and early 1974 of the federal procurement of medical and nonperishable subsistence supplies. The OMB and GAO recommended that the Food and Drug Administration be the agency responsible for quality assurance of all medical products procured by federal agencies.

In June 1974, the director of OMB requested that the Department of Health, Education, and Welfare (HEW) take the lead in developing an Executive Branch plan for a Government-Wide Quality Assurance Program. FDA is responsible for developing and implementing the plan. FDA decided that due to the great diversity of medical products procured by the Federal Government, it would be desirable to first develop a quality assurance program covering drugs and bio-

logics and to include all other medical products in a second phase of the program. This agreement is the mechanism for FDA assuming the responsibility for quality assurance for drugs, biologics, chemicals, and reagents that HSA procures, stores, and distributes.

III. *The Health Services Administration and the Food and Drug Administration Agree.* 1. FDA will be responsible for quality assurance for all drugs, biologics, chemicals, and reagents purchased, stored, and distributed by HSA;

2. The Current Good Manufacturing Practice Regulations (21 CFR Part 133) will be the single standard to be applied industry-wide for the manufacture, processing, packing or holding of drugs procured by governmental agencies;

3. The Food and Drug Administration will be the agency responsible for administrative interpretation and enforcement of the CGMPR's;

4. Existing procedural and policy guides and standards employed by the HSA will remain applicable until FDA assumes formal responsibility for the quality assurance functions to which the guides and standards apply;

5. FDA will assume full responsibility for performing all inspectional work and laboratory testing related to the quality assurance of all drugs, biologics, chemicals, and reagents procured by HSA;

6. FDA will furnish pre-award quality assurance evaluations on request by HSA. FDA will not certify the quality capability of a firm for procurement if the firm is not in business, or if the nature of the firm's operations does not allow a proper evaluation to be made of the firm's ability to produce a product of acceptable quality;

7. FDA will be responsible for determining whether drug products reprocessed (manufactured, processed, packaged, or labeled) at the HSA Supply Service Center are of acceptable quality for distribution by HSA;

8. HSA shall continue to prepare and be responsible for purchasing specifications. FDA will be responsible for review and concurrence in the parts of purchasing specifications that concern drug, biologic, chemical, and reagents quality. Whatever public and private product quality specifications are applicable to the general public will also apply to government procurements. For those products for which there are official published specifications of quality or for which there are approved New Drug Applications (NDA's) or Abbreviated New Drug Applications (ANDA's) approved antibiotic Form 6's, or FDA licensing, the quality assurance requirements therein will be the quality assurance requirements for procurement purposes, and a reference to such a requirement in the procurement specifications shall be sufficient to define the quality requirement. A special purchase specification that superposes additional quality specifications may be justified by HSA when it is required because of HSA special needs.

IV. *The Health Services Administration Agrees.* 1. To inform FDA immediately whenever any information is received which may impact adversely on the quality assurance of any drug, biologic, chemical, or reagent firm or product;

2. To furnish justification when requesting that FDA conduct analysis of a product or other work HSA believes necessary;

3. To participate fully in FDA's drug defect reporting system;

4. To submit samples and request analysis in accordance with procedures FDA establishes.

V. *The Food and Drug Administration Agrees.* 1. To continue in a timely manner to revise and update the CGMPR's and to promulgate new CGMPR's for specific segments of the industry;

2. To publish in FDA's Inspection Operations Manual, or other appropriate publication, a listing of commonly used terms relating to the Current Good Manufacturing Practice Regulations, with definitions of the terms that will be recognized by all involved parties, and to provide HSA with copies of the publication;

3. To determine when analysis of samples is required for evaluation of quality;

4. To complete analytical work within 14 workdays following receipt of the sample by the proper laboratory facility, although there will be instances when the 14-day deadline cannot be met due to the nature of the analysis required. In all instances, sample analyses for HSA will be handled in the most expeditious manner possible;

5. To undertake an orderly process to review HSA's product quality purchase specifications and retain only those which are applicable to product quality. In the review process, first priority will be given to drugs of highest medical significance;

6. To accommodate the varying quality assurance needs of the Health Services Administration to the maximum extent feasible.

VI. *Name and Address of Participating Activities.* Health Services Administration, 5600 Fishers Lane, Rockville, MD 20852.

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

VII. *Liaison Officers.* For the Health Services Administration: Mr. Frank Baktis, Director, Office of Property Management. Address: 5600 Fishers Lane, Rockville, MD 20852. Telephone No.: (301) 443-1436.

For FDA: Director, Medical Products Quality Assurance Staff (HFC-50), Office of the Associate Commissioner for Compliance. Address: 5600 Fishers Lane, Rockville, MD 20852. Telephone No.: (301) 443-1645.

VIII. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period starting July 1, 1975 or the time of signature, whichever is later, with no expiration date; it may be terminated by either party, with concurrence of OMB, upon 90 days' advance written notice to the other party.

IX. *Revisions.* Additional procedures and revisions as are necessary for the implementation of this agreement and for effectuating the intention of the parties, may be developed jointly by FDA and HSA. Such revisions shall become effective on a date mutually agreed upon by the parties.

X. *Authority.* This agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended (31 U.S.C. 686).

Approved and accepted for the Health Services Administration.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

Approved and accepted for the Food and Drug Administration.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

JUNE 17, 1975.

Effective date. This Memorandum of Understanding became effective July 1, 1975.

Dated: June 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17592 Filed 7-7-75;8:45 am]

Health Services Administration

QUALITY ASSURANCE FOR DRUGS, BIOLOGICS, CHEMICALS AND REAGENTS

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Health Services Administration and the Food and Drug Administration, see FR Doc. 17592 appearing on page 28656 of this issue of the FEDERAL REGISTER.

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Rescheduled Meeting

Notice is hereby given that the meeting of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research scheduled for July 11 and 12, 1975 and announced in the FEDERAL REGISTER on Thursday, June 26, 1975 (40 FR 27069) has been rescheduled to July 26, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. and will be open to the public, subject to the limitations of available space.

The agenda will include discussion of issues identified in the legislative mandate to the Commission under Pub. L. 93-348 and further planning of activities to be undertaken by the Commission.

Requests for information should be directed to Ms. Anne Ballard (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

JUNE 30, 1975.

[FR Doc.75-17610 Filed 7-7-75;8:45 am]

Office of the Secretary

OFFICE OF HUMAN DEVELOPMENT AND OFFICE OF CHILD DEVELOPMENT

Statement of Organization and Functions

Part 1 of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health, Education and Welfare, Office of the Secretary, Assistant Secretary for Human Development is amended to revise Subchapter 1R40, Office of Child Development, published in the FEDERAL REGISTER on September 20, 1974 at 37 FR 10092-3. These changes include revision of the organizational structure and clarification of the functional statements of the Office of Child Development.

SECTION 1R40.00 *Mission.* The mission of the Office of Child Development is to advise the Secretary and HEW agencies

on Department plans and programs related to early childhood development; to operate Head Start, day care, and other related child service programs; and to conduct research, evaluation and demonstrations related to child development, child welfare and services to children and families; to provide leadership, advice and services which affect the general well-being of children as mandated by the Children's Bureau Act of April 9, 1912; to plan, develop, and administer programs under the Child Abuse Prevention and Treatment Act of 1974.

SEC. 1R40.10 *Organization.* A. The Director, Office of Child Development reports directly to the Assistant Secretary for Human Development. The Director is also the Chief of the Children's Bureau.

B. The Office of Child Development, under the supervision of the Director, consists of:

1. Office of the Director.
2. Head Start Bureau.
3. Children's Bureau.

SEC. 1R40.20 *Functions.*—A. *Office of the Director.* Provides executive leadership, policy direction, management strategy, legislative liaison and a focus for interagency coordination for the Children's Bureau and the Head Start Bureau and other components of the Office of Child Development. Serves as advisor to the Secretary and Heads of DHEW agencies administering programs which have a significant impact on the development of children.

1. *Office of Program Planning and Administration.* Assists in the development of, and coordinates operational and strategic plans. Designs and advises on planning and management processes. Analyzes and participates in the development of policy and program alternatives. Provides, or is liaison for, administrative and program support services.

2. *Office of Regional Support.* Coordinates and expedites: communications between Headquarters and Regional Offices, decisions relating to Regional matters, provision of support for Regional Offices, and full consideration of Regional Office viewpoints and needs in the formulation of policies, plans, procedures and guidelines. Evaluates OCD Regional activities.

3. *Division of Research and Evaluation.* Administers section 426 (Title IV–8, Social Security Act) and other OCD research and demonstration funds and assists with the development of a Department-wide research strategy on children. Administers the OCD evaluation funds and coordinates the development of an OCD-wide evaluation strategy.

Provides leadership to the Federal Interagency Panel for Early Childhood Development Research; collects, analyzes, and interprets research reports on child life studies and identifies promising models for service programs. Actively promotes the utilization of research findings. Serves as a clearinghouse for information related to research, demonstrations, and service programs in the area of child development.

B. *Head Start Bureau.*—1. *Office of the Associate Director.* Plans, directs, and coordinates the activities of the staff of the Bureau. Directs the development, and monitoring the strategic and operational planning and policies, standards, and guidelines for Head Start and other OCD activities in the field of day care and child development services. Provides guidance in the effective utilization of resources for these activities in Regional Offices and Headquarters.

2. *Program Management Division.* Develops or coordinates the development of program and administrative management policy, regulations and guidance for OCD child-development programs at the Federal and grantee levels. Provides guidance and technical assistance in the implementation of these instructions. Develops annual nation-wide Head Start improvement plan, including managerial policies, standards, and guides for regional staffs and Head Start grantees. Cooperates with the Program Development and Innovation Division assessing the impact of policies and procedures and developing new or revised guidelines.

Develops, in conjunction with the Regional Offices and the Head Start grantees, a strategy for serving the technical assistance and training needs of local Head Start programs. Provides guidance for the career development efforts of local grantees.

3. *Indian and Migrant Program Division.* Reviews and recommends approval of grant applications for Head Start programs for Indians living on reservations and for migrants. Develops and recommends policies for and provides staff support to programs for Indians and migrants. Provides or arranges for technical assistance for Indian and migrant grantees and serves as an advocate and adviser within the Office of Child Development for mobilizing resources in addition to Head Start for Indian and migrant programs. Manages Indian and migrant grants.

4. *Division of Program Development and Innovation.* Serves OCD child development programs as a source of technical and programmatic counsel and expertise in the areas of education, health services, nutrition, psychological services, social services, parent involvement, and volunteer participation.

Develops, tests, plans, and directs the broadscale implementation of innovative programs and program design features for comprehensive child development services. Assesses current OCD policies and program performance in the areas of expertise mentioned above and proposes improvements where warranted. Performs special analyses as inputs to OCD strategic planning. Provides technical expertise in developing programmatic policies, standards, and guidelines for OCD programs and assists in program planning and evaluation efforts.

5. *Day Care Services Division.* Responsible for the development of policies, strategies, standards, manuals and guidance material for the conduct of experiments, demonstrations and operational programs in the field of day care. Actively encourages and advises on the development at the Federal, state and local level of effective day care services.

C. *Children's Bureau*—1. *Office of the Associate Chief.* Plans, coordinates, and directs the activities of the Children's Bureau; reviews and analyzes the Bureau's performance. Establishes program goals and objectives for the Bureau and serves as a major adviser to the Office of the Director on matters pertaining to conditions which affect the general well-being of children.

2. *National Center for Child Advocacy.* Provides leadership in the planning, development, and coordination of programs aimed at identifying children's problems and promoting improvements in conditions adversely affecting the growth and development of children. Identifies and recommends actions to meet special needs of children at risk, such as minorities, emotionally and physically handicapped children; develops standards and policy guidelines for programs for children at risk; analyzes and responds to inquiries for information concerning child development.

3. *National Center on Child Abuse and Neglect.* Acts as the principal focus within OCD and the Department for development of policies, advice and plans (including input to the OHD Long Range Plan) on programs relating to the prevention, identification and treatment of child abuse and neglect.

Develops and interprets regulations, guidelines and instructions for grants to assist State programs on child abuse and neglect and for provision of technical assistance authorized in "The Child Abuse Prevention and Treatment Act of 1974," (Pub. L. 93–247). Develops criteria and procedures for the equitable distribution among States of such grant assistance.

Compiles and prepares for publication training materials for personnel who are or intend to be engaged in the prevention, identification and treatment of child abuse and neglect.

Receives, processes and reviews, either through the regional or headquarters office, all applications for demonstration grants and arrangements for contracts authorized to prevent, identify and treat child abuse and neglect, and makes recommendations thereon to the Director, OCD.

In concert with the Social and Rehabilitation Service, monitors compliance with appropriate clauses of The Child Abuse Prevention and Treatment Act in State programs conducted under the authority of parts A and B of Title IV of the Social Security Act. Monitors regional office activities and administration of grants and contracts and provision of training and technical assistance under Pub. L. 93–247. Develops and proposes plans, priorities and objectives for training and technical assistance related to child abuse and neglect and, if approved, may provide or obtain directly or through national grants or contracts specialized professional expertise and knowledge for identification, design or provision of such training and technical assistance in specialized areas of competence, in response

to needs identified by regional office personnel.

Establishes and operates a national clearinghouse on Child Abuse and Neglect authorized under Pub. L. 93–247. Develops plans, priorities, policies and objectives for the conduct of the clearinghouse.

Jointly with the Research and Evaluation Division, develops policies, priorities, plans and objectives for research and demonstration activities authorized by Pub. L. 93–247. Develops and proposes input to the annual OCD R&D plan as it relates to child abuse and neglect projects.

Provides staff support to the Advisory Board on Child Abuse and Neglect in the conduct of its responsibilities, including the areas of standards development, reports preparation and program coordination.

4. *Division of Public Education.* Provides leadership in the development and distribution of all OCD publications. Provides editorial and graphic support to program components and serves as a central contact point on matters related to the communications media, including the preparation of exhibits, films and appropriate public education materials.

Dated: June 30, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–17611 Filed 7–7–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D–75–344]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION III (PHILADELPHIA)

Redelegation of Authority Regarding Surplus Real Property

SECTION A. *Authority redelegated.* The Regional Administrator and the Deputy Regional Administrator, Region III (Philadelphia), each is authorized to exercise the power and authority of the Secretary to convey to the District of Columbia Redevelopment Land Agency, title to those portions of the Fort Lincoln property located in Washington, D.C., together with any improvements and related personal property located thereon (hereinafter "the Property") which were transferred to the Secretary by the Administrator of General Services on June 4, 1973, pursuant to section 108 of the Housing Act of 1949 (42 U.S.C. 1458) and a certain agreement (hereinafter "the Agreement") between the Department of HUD and the GSA (as set forth in the following letters, copies of which are available for public inspection at HUD, Room 10245, 451 7th Street, SW., Washington, D.C., 20410: (1) The letter dated April 25, 1973 from Floyd H. Hyde to Arthur F. Sampson, (2) the letter dated May 23, 1973 from Arthur F. Sampson to Secretary Lynn, and (3) the letter dated June 4, 1973 from George I. Perryman to Secretary Lynn) as may be designated private use parcels by Development Area Plans under the Urban Renewal Plan for the Fort Lincoln Urban Renewal Area (hereinafter "the Plan") recorded in the Office of the Recorder of Deeds of the District of Columbia, Instrument Number 11657, filed in Liber 13485, Folio 90, et seq.

SEC. B. *Further authority redelegated.* The Regional Administrator and the Deputy Regional Administrator for Region III (Philadelphia), each is further authorized to exercise the power and authority of the Secretary, pursuant to the Agreement, to return those portions of the Property as may be delineated public use parcels by Development Area Plans under the Plan to the Administrator of General Services for subsequent disposition to appropriate Federal or District of Columbia public agencies.

SEC. C. *Authority to redelegate.* The Regional Administrator and the Deputy Regional Administrator for Region III (Philadelphia), each is authorized to redelegate the authority in sections A and B to the Area Director and the Deputy Area Director, Washington, D.C., Area Office.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Delegation of Authority to the Assistant Secretary for Community Planning and Management, 36 FR 5004; Delegation of Authority to the Assistant Secretary for Community Planning and Development, 38 FR 8011)

Effective date. This redelegation is effective July 8, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75–17612 Filed 7–7–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 3]

EMERGENCY ORDER REGARDING USE OF CARS TRANSPORTING CLASS A EXPLOSIVES

Revocation

On August 9, 1973, the Federal Railroad Administration (FRA) issued an Emergency Order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further transportation of Class A explosives (49 CFR 173.53) by railroad except under the conditions contained in the Emergency Order (39 FR 21952, 22172).

On November 19, 1974, § 174.525 of Part 174 was amended (39 FR 41365). This amendment (Docket No. HM–114; Amdt. No. 174–24) prescribes standards to eliminate potential fire hazards resulting from overheated friction journal bearings, overheated and sparking brake shoes, and the presence of combustible material on the undersides of cars used to transport Class A explosives. It establishes new requirements for selection, preparation, inspection, certification and loading of these railroad cars. This amendment became effective July 1, 1975. In issuing this amendment, FRA stated that it would publish a separate notice revoking Emergency Order No. 3.

In consideration of the foregoing, FRA Emergency Order No. 3 published in the August 14 and 16, 1973 issues of the FEDERAL REGISTER (39 FR 21952, 22172) is hereby revoked, effective immediately.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432, and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C., on July 2, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75–17701 Filed 7–3–75;10:16 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 26245 and 28036; Order 75–6–153]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT

Order Regarding South Pacific Service Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1975.

By contemporaneous action in this proceeding, the Board has approved an agreement between American Airlines and Pan American World Airways for the exchange of various Bermuda, Caribbean and Pacific routes. One effect of this decision is to eliminate, at least for the time being, U.S.-flag competition between the Mainland and Hawaii and points in the South Pacific. For reasons discussed in the Board's Opinion (pp. 19, 20), we have decided to institute an investigation into the need for additional services in the U.S.-South Pacific markets. The scope of the proceeding will be limited to a consideration of new route authority between a Mainland point or points and Hawaii, on the one hand, and American Samoa, Fiji, New Zealand and Australia, on the other. In the interest of allowing applicants greater flexibility in proposing South Pacific services, we will not at this stage restrict our consideration to designated Mainland points. However, once the parties have an opportunity to express their views, we intend by subsequent order to clarify which Mainland terminals or coterminals are appropriate for inclusion within the scope of issues.

Next, to focus this case on South Pacific service needs, we will impose pretrial restrictions on any new award to (a) bar single-plane service between the Mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia and (b) require Mainland-Hawaii flights to continue on to one of the named South Pacific points. However, we will leave open the possibility that this long-haul restriction may be modified to permit "bonus" turnaround flights between the Mainland and Hawaii, under terms similar to those contained

in the restriction now applicable to American's Hawaii authority.[1]

Accordingly, it is ordered, That:

1. An investigation designated as the "South Pacific Service Case" be and it hereby is instituted in Docket 28036 pursuant to sections 204(a) and 401 of the Act, to determine:

(a) whether the public convenience and necessity require additional service between a point or points on the U.S. Mainland and Hawaii, on the one hand, and one or more of the following South Pacific areas, on the other: American Samoa, Fiji, New Zealand and Australia, and

(b) what carrier or carriers, if any, should be authorized to provide such service;

2. Any new awards made as a result of this proceeding shall be restricted so as (1) to prohibit single-plane service between the Mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia and (2) to require Mainland-Hawaii flights to serve a point or points in American Samoa, Fiji, New Zealand, or Australia, except to the extent otherwise indicated above;

3. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 60 days after the service of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served on all parties in Docket 26245.

A copy of this order shall be placed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17655 Filed 7-7-75;8:45 am]

[1] For each flight serving a South Pacific point beyond Hawaii, American is permitted to operate an additional flight in the same direction which originates or terminates at Hawaii and makes a direct connection with the first flight.

[Docket No. 26245; Order 75-6-154]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT

Order To Show Cause Regarding Various Bermuda, Caribbean and Pacific Routes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1975.

By contemporaneous action in this proceeding, the Board has approved an agreement between American Airlines and Pan American World Airways for the exchange of various Bermuda, Caribbean and Pacific routes. One apparently unwitting effect of the agreement is to transfer American's Boston/St. Louis-South Pacific authority to Pan American while leaving American with the unrestricted Boston/St. Louis-Hawaii domestic route. However, all parties agree that the South Pacific route is not viable without the support of Boston/St. Louis-Hawaii local traffic. In fact, even with such support, American has been unable to operate direct service between these Mainland coterminals and the South Pacific, and no one has argued in this proceeding that there is an affirmative need for such service.

Accordingly, we tentatively find and conclude that the public convenience and necessity require the deletion of Boston and St. Louis from segment 5 of Pan American's amended certificate for route 130, issued pursuant to Order 75-6-152.[1] We emphasize, however, that our tentative decision will not affect existing services between Boston or St. Louis and Hawaii.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein;

2. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; and

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17656 Filed 7-7-75;8:45 am]

[1] In the interim, we have authorized Pan American to suspend service at Boston and St. Louis.

[Docket No. 21382 etc.; Order 75-7-11]

AMERICAN AIRLINES, INC. ET AL.

Hilo Service Case

Application of American Airlines, Inc., for authority to postpone inauguration of service to Hilo, Hawaii—Docket 21382.

Application of Braniff Airways, Inc., for authority to suspend service at Hilo, Hawaii—Docket 26103.

Application of Northwest Airlines, Inc., for authority to postpone inauguration of service to Hilo, Hawaii—Docket 22407.

Application of Pan American World Airways, Inc., for authority to suspend service at Hilo, Hawaii—Docket 22860.

Application of Trans World Airlines, Inc., for authority to postpone inauguration of service at Hilo, Hawaii—Docket 21193.

Hilo Service Case—Docket 28043.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1975.

Applications have been filed by American Airlines[1] and Northwest Airlines[2] requesting renewal of authority to postpone inauguration of service to Hilo, Hawaii, and by Pan American World Airways[3] and Braniff Airways[4] requesting renewal of authority to suspend service at Hilo, Hawaii. Trans World Airlines possesses authority to postpone service at Hilo[5] which expires July 21, 1975.

In general the renewal requests contend that the circumstances which prompted the Board to originally grant their respective authorities at Hilo continue to exist; that ample service is provided to Hilo from the Mainland; that traffic levels between Hilo and the Orient do not warrant single-plane service; that there is ample connecting service at Honolulu for the Hilo-Orient passengers; and that the carriers are likely to incur substantial operating losses if they are re-

[1] American was authorized to postpone inauguration of service at Hilo on routes 4 and 162 by orders 69-10-108, 70-7-95, 71-7-110, 72-7-67, and 73-7-104.

[2] Northwest was authorized to postpone inauguration of Hilo service on route 129 by orders 70-9-65, 71-7-85, 72-7-66, and 73-7-104.

[3] Pan American's authority to suspend service at Hilo on routes 130 and 117 was granted in orders 71-5-45 and 73-5-42.

[4] Braniff received Hilo suspension authority over route 9 in order 74-3-24. By order 74-12-27 Braniff was granted a waiver of the timeliness-of-filing requirements of sec. 377.10(c) of the Board's Special Regulations in order to continue the authority granted in order 74-3-24 until decision on its renewal request.

[5] TWA received authority to postpone inauguration of service to Hilo on routes 2 and 164 in orders 69-8-142, 70-8-75, 71-8-67, 72-8-96, and 73-7-104.

quired to serve Hilo on their respective routes.[6]

The County of Hawaii has filed answers in opposition to the renewal applications. The county argues that general improvements such as roads, parks, and a new terminal facility at Hilo's General Lyman Field are currently being undertaken;[7] that further lack of the carriers' services will cause undue hardship to the economy, will place undue emphasis on Honolulu resulting in detriment to the neighbor islands, and is contrary to the original basis upon which the Board made its awards; that the rapidly expanding papaya industry in Hawaii will be adversely affected due to the need for capacity to both the Orient and Mainland points; and that additional capacity for freight will be desperately needed in combination aircraft. Finally, the county questions whether the carriers are seriously interested in serving Hilo on their respective routes,[8] and, with regard to Pan American's application, states that a continued suspension should not be granted without an evidentiary hearing since the pleadings filed by that carrier contain no convincing evidence that the suspension will be economically beneficial to it.

Braniff filed a reply to the county's answer to its renewal request.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation to be designated as the Hilo Service Case, to consider the future of the Hilo authority now held—but not used—by American, Braniff, Northwest, TWA, and Pan American. Some or all of the services these carriers are authorized to provide at Hilo have been postponed or suspended for several years. Under the circumstances, and in light of the conflicting allegations regarding the need for additional Hilo services over and above the level now provided, we believe it is appropriate to consider (a) whether, and to what extent, these carriers should be required to implement their certificate authority and restore their services, or (b) whether, and to what extent, their existing unused authority should be deleted or suspended. We have also determined to maintain the status quo with respect to existing authorizations to suspend or postpone inauguration of service to Hilo pending completion of the proceeding instituted herein. On the basis of the renewal pleadings and responses thereto, it appears that the circumstances warranting the previous grants of such authority remain valid at least for the immediate future and that grant of continued authority to postpone inauguration of service to American, TWA, and Northwest and of suspension authority to Pan American and Braniff pending a full exploration of these deletion/suspension issues on an evidentiary record is in the public interest.

Accordingly, it is ordered, That:

1. A proceeding designated as the Hilo Service Case be and it hereby is instituted in docket 28043 and shall be set for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. Said proceeding shall determine (a) whether the existing authorizations to postpone the inauguration of service or to suspend service at Hilo, Hawaii, should be terminated or continued or (b) whether the certificates of American Airlines for routes 4 and 162, Braniff Airways for route 9, Northwest Airlines for route 129, Pan American for routes 130 and 117, and Trans World Airlines for routes 2 and 164 should be altered, amended, or modified so as to delete or suspend Hilo, Hawaii, under section 401 (g) of the Act;

3. American Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on routes 4 and 162;

4. Northwest Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on route 129;

5. Trans World Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on routes 2 and 164;

6. Braniff Airways be and it hereby is authorized to suspend service to Hilo, Hawaii, on route 9;

7. Pan American World Airways be and it hereby is authorized to suspend service to Hilo, Hawaii, on routes 130 and 117;

8. The authority granted in paragraphs 3, 4, 5, 6, and 7, above, shall terminate 90 days after final Board decision in the investigation instituted in paragraph 1, above, and may be amended or revoked at any time in the discretion of the Board without hearing; and

9. This order shall be served on American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; Aloha Airlines, Inc.; Hawaiian Airlines, Inc.; Governor of Hawaii; Hawaii State Department of Transportation; County of Hawaii; Airport Manager, General Lyman Field; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17658 Filed 7-7-75;8:45 am]

[6] Braniff's original authority was grounded on the need to conserve fuel. The carrier's renewal application, however, contends that economic factors justify extension of its authority. These factors include the following: that its single B-747 aircraft, with which it presently serves Honolulu from Dallas on its domestic route, is already being utilized to the greatest extent possible; that if Braniff is to provide any Hawaii service in addition to that which it is now providing, such service would require additional aircraft, schedules, crews, and expenses; that when it was providing Hilo service over a Dallas-Honolulu-Hilo-Honolulu-Dallas routing on one weekly DC-8 round trip, it transported a total of only 522 passengers in both directions to Hilo, an average of five passengers per flight; and that there is alternative service available to Hilo from Dallas via connections at Los Angeles.

[7] The county indicates that the completion of the airport facilities should occur in mid-1976.

[8] The county points out that the applications for renewal come at a time when air service to Hilo is a crucial necessity, since current statistics from the Hawaii Visitors Bureau evidence a 5.3 percent increase in traffic to the Island of Hawaii.

[Docket No. 23604, etc.]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING

Change in Time for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore assigned to commence at 10 a.m. (local time), on July 9, 1975 (40 FR 24767), has been rescheduled to commence at 9 a.m. (local time) on the same date, in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 2, 1975.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.75-17811 Filed 7-7-75;8:45 am]

[Docket No. 27693; Order 75-7-2]

WORLD AIRWAYS, INC.

Order for Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1975.

On April 2, 1975, World Airways, a certificated supplemental air carrier, filed an application for a certificate of public convenience and necessity to provide scheduled air transportation between the coterminal points Newark, N.J., and Baltimore, Md., on the one hand, and Oakland and Ontario, Calif., on the other hand. The application stipulates that World is willing to accept the following restrictions in its certificate: (1) that fares must be computed on the basis of fully allocated costing, assuming an average passenger load factor of 75 percent;[1] (2) that the authority will be permissive; (3) that the authority will be temporary; (4) that the carriage of property will be limited to small packages (*i.e.,* 50 pounds or less) or to single shippers utilizing all the available freight space; and (5) that the authority will be subsidy-ineligible.

The application was accompanied by a motion for expedited hearing which contains the specifics of World's proposal as well as the carrier's arguments in support of its motion. It is alleged, inter alia, that the transcontinental market presently suffers from an absence of price and service competition;[2] that World's

[1] Application of this methodology would, according to World, enable the carrier to offer a transcontinental fare of $89.00 one way, exclusive of tax and security.

[2] To support its allegation of insufficient service competition, World cites the existence of capacity limitation agreements which are now under review by the Board in Docket 22908.

proposal offers significant benefits for World, in terms of potential profit, and for the public, in terms of low-cost transcontinental air transportation; that traffic will not be diverted from incumbents[3] but rather that the incumbents will benefit from newly stimulated travel; and that the application meets the priority-of-hearing standards developed by the Board in its Policy Statement (14 CFR 399.60) and practice.

Answers in support of the motion have been filed by United Air Lines, the United States Departments of Justice, Commerce and Transportation, the Council on Wage and Price Stability, the State of Maryland, the Division of Aeronautics of the New Jersey Department of Transportation, the New York State Department of Transportation, the Port of Oakland, the Aviation Consumer Action Project, the National Student Travel Bureau and the Board's Consumer Advocate.

Answers in opposition have been filed by American Airlines, Northwest Airlines and Trans World Airlines (TWA). While they challenge World's economic justification, the primary thrust of the opponents is that World, as the holder of a certificate to engage in supplemental air transportation, cannot as a legal matter acquire a certificate to engage in scheduled air transportation and that, therefore, the application cannot be set for hearing.[4] To support this view, these carriers rely upon the restrictive language in section 401(d)(3) of the Federal Aviation Act, which prohibits a scheduled carrier from holding a supplemental certificate, the legislative history of the Act and various administrative and judicial precedents. American argues, in addition, that no scheduled service certificate can be purely permissive, as postulated by World, and that prescription of the fares and classes of service of a scheduled carrier are not matters properly in issue in a certification proceeding under section 401 of the Act. Both American and Northwest suggest that these legal issues ought to be resolved before a hearing on the economic issues is undertaken.

World filed a reply to the answers in opposition together with a motion for leave to file the otherwise unauthorized reply. This prompted American to file a counter-reply together with a motion for leave to file that unauthorized document. Both motions will be granted.

Upon consideration of the pleadings, we have decided to adopt unusual procedures for processing this unique case. We are not persuaded by the pleadings of TWA, American and Northwest that it is illegal for World to acquire a scheduled service certificate without surrendering its supplemental certificate; neither are we convinced by World's arguments that there is no legal impediment. While the Act explicitly prohibits a scheduled carrier from holding a supplemental certificate, it does not in terms prohibit the converse; consequently, we believe it is incumbent upon the Board to render an interpretation of the Board's authority. It is also our view that it will be more conducive to the orderly administration of the Board's business and to the preservation of the interests of all parties if the legal issue is settled before an evidentiary hearing is undertaken. At this point, we will, absent legal impediments, set the application for expedited hearing both because the application is unique and could have far-reaching consequences and because the priority of hearing standards embodied in the Board's Policy Statement are met. However, if we first determine that we have no legal authority to grant the relief requested, the application will have to be dismissed. Such action would enable World to seek judicial review. On the other hand, we recognize that a preliminary decision in World's favor on the legal issue may be deemed interlocutory in nature and not immediately reviewable. Thus, there is a risk that a lengthy, expensive proceeding would ultimately be overturned should World prevail on the merits here but lose in court upon review. Be that as it may, we have decided upon the course described herein.

All interested persons are requested to file briefs,[5] within 30 days of the date of this order, directed to the issues set forth in ordering paragraph 2. The Board will then hold oral argument as soon as practicable thereafter. We expect such briefs to be as concise as possible and devoid of economic argument going to the merits of World's application. However, any facts which are pertinent to analysis of section 401 as it has been administered by the Board should be cited with appropriate documentation.

Aside from the threshold question of dual certification, we would like the parties to address one other issue: Whether the Board may authorize the operations proposed by World by exemption, irrespective of whether it could do so by certification. We are not, however, soliciting legal argument on the other issues raised by World's proposal since we consider it to be well-settled that: (a) No certificate for scheduled route air transportation may be permissive in its entirety; (b) the Board does have authority to restrict the carriage of property;[6] (c) a certificate may be issued for a temporary period; and (d) a certificate may be issued on a subsidy-ineligible basis and may, in addition, prohibit the carriage of mail at service rates.[7] Finally, we find American's arguments that the Board may not fix a fare into a route certificate in a proceeding under section 401 and may not prescribe an initial tariff to be unpersuasive. First, the statute does not prohibit the consideration of route and rate issues in a single hearing; and, second, the exact nature of the tariff condition which might be imposed is speculative at this point and the fact that World proposes any such condition is not a legal bar to processing the application. We expect all interested persons to cooperate with our desire to complete this preliminary phase as expeditiously as possible.

Accordingly, it is ordered, That:

1. All interested persons may file, and serve upon all parties, briefs to the Board in Docket 27693 within 30 days after the date of adoption of this order;

2. Said briefs shall address the following issues:

a. Whether the Board may issue a certificate for regular route air transportation under section 401(d)(1) of the Act to a carrier holding a certificate for supplemental air transportation under section 401(d)(3) of the Act without requiring the surrender of the latter; and

b. Whether the Board may issue an exemption under section 416 of the Act to World to perform the scheduled air transportation proposed in World's application;

3. After receipt of said briefs, this proceeding shall be set for oral argument before the Board at a time to be designated hereafter;

4. The motion of World Airways, Inc., for leave to file an otherwise unauthorized reply be and it hereby is granted;

5. The contingent motion of American Airlines, Inc., for leave to file an otherwise unauthorized counter-reply be and it hereby is granted; and

6. A copy of this order shall be served upon all parties in Docket 27693.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17657 Filed 7-7-75;8:45 am]

[3] It is argued that the vast majority of World's traffic will be composed of persons who cannot now afford to fly.

[4] In its motion, World states that it would not surrender its supplemental service certificate upon receiving a scheduled service certificate.

[5] All briefs shall comply with the formal specifications and other requirements for such documents as are set forth in the rules of practice, particularly rules 3(b) and 31 (c).

[6] See, e.g., Order 70-6-36, June 4, 1970, at 20.

[7] See, e.g., Florida-Bahamas Service Case, 15 C.A.B. 884 (1952), and Mackey Airlines Renewal Case, 37 C.A.B. 371 (1962).

ENVIRONMENTAL PROTECTION AGENCY

[FRL 395-4]

REFERENCE OF EQUIVALENT METHOD DETERMINATION

Receipt of Application

Notice is hereby given that the Environmental Protection Agency has received, on 21 May 1975, an application from Lear Siegler, Inc., to determine if its SM 1000 SO_2 ambient monitor should be designated by the Administrator of the EPA as a reference or equivalent method under the provisions of 40 CFR Part 53. If the Administrator determines that this method should be so designated, notice

thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.75-17548 Filed 7-7-75;8:45 am]

[FRL 395-6]

STATE OF NORTH DAKOTA PROGRAM

Approval of Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the Environmental Protection Agency has granted the State of North Dakota's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On March 20, 1975, North Dakota submitted a program for carrying out the NPDES. On May 6, 1975, EPA conducted a public hearing on the proposed approval in Bismarck, North Dakota. After a thorough review of the North Dakota program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Arthur A. Link in a letter dated June 13, 1975.

As of June 14, 1975, the North Dakota NPDES permit program is being administered by the North Dakota Department of Health, Bismarck, North Dakota 58501 (telephone (701) 224-2386). Mr. Willis Van Heuvelen is the Executive Officer of the North Dakota Department of Health. The North Dakota program is being administered in accordance with North Dakota statutes and regulations and a Memorandum of Agreement between North Dakota and the EPA Region VIII office, 1860 Lincoln Street, Denver, Colorado 80203 (telephone (303) 837-3895). All pertinent documents are available for inspection at the North Dakota State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

JULY 1, 1975.

[FR Doc.75-17547 Filed 7-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19597; File No. BP-19134; FCC 75-610]

BRAVERMAN BROADCASTING CO., INC.

Construction Permit; Memorandum Opinion and Order Remanding Hearing

1. By Order (FCC 74-265) released July 17, 1974 (39 FR 21867), we granted the request of Johnson County Broadcasting Corporation (KXIC), an intervenor herein, and stayed our previous Order (FCC 74-602) released June 18, 1974, denying KXIC's application for review of a Review Board Decision, 45 FCC 2d 265 (1974), which granted Braverman Broadcasting Company, Inc.'s (Braverman) Iowa City, Iowa, application for a construction permit for a new standard broadcast station in Iowa City, Iowa. We stayed our June Order so that we might consider a petition to enlarge issues filed June 3, 1974 by KXIC. KXIC requested we add a transmitter site availability issue against Braverman. Braverman subsequently obtained a new site and on August 7, 1974, filed what it styled an informal application to modify construction permit. KXIC objects to Braverman's filing on the grounds, *inter alia,* that Braverman failed to comply with §§ 1.522 and 1.571(j)(1) of the Commission's rules and that the presence of power transmission lines less than one-quarter mile from the proposed transmitter site may cause reradiation and possible interference to existing stations. By letter adopted February 4, 1975, we requested Braverman to submit an engineering study concerning the possible reradiation effects of the transmission lines and any precautions expected to be taken to prevent possible reradiation. Braverman filed a response to the letter February 11, 1975 and a supplement February 14, 1975, to which the Chief, Broadcast Bureau on February 13 and 21, 1975 and KXIC on March 6, 1975, filed comments.

2. In its petition to enlarge, KXIC bases its request for a site availability issue on an order issued May 28, 1974, by the Iowa District Court in and for Johnson County. The court order enjoined *pendente lite* Continental Mortgage Investment Company, the proposed seller of Braverman's original site, from transferring any assets. Braverman sought court approval to purchase the property, but determined such approval would take longer than acquiring an equally satisfactory alternative site. Braverman acquired a new site [1] and then filed the informal application to modify construction permit. Braverman justifies filing an informal application on the grounds the new site is located less than one mile from the original site, and consequently, much of the information in the original application applies equally to the new site.

3. We first note Braverman's procedure for requesting the change in transmitter site is improper in that Braverman has filed an application to modify a construction permit which has not been issued to it. However, we shall treat Braverman's filing as a petition for leave to amend its application, as Braverman requests in the alternative. Second, we conclude the court order against Continental Mortgage Investment Company was unforeseeable and constitutes "good cause" justifying the late filing of both KXIC's petition to enlarge and Braverman's petition for leave to amend.

4. Notwithstanding our desire to terminate this already protracted proceeding, we believe a substantial and material question of fact which cannot be resolved by continuous exchanges of pleadings and engineering statements remains for resolution. Braverman claims the power line near the proposed site is a "simple rural feeder on wood poles," and no reradiation is expected from the line or supporting structures, which would create a problem in the adjustment of its antenna array. Braverman states, however, that if minor reradiation problems arise, Braverman would seek permission from the power company to detune the offending structure. KXIC's consulting engineer questions Braverman's showing for failure to provide the quantitative data and engineering studies deemed necessary to assess the possibility of reradiation. KXIC's engineer spoke to power company engineers, who indicated Braverman had not sought permission to perform any necessary detuning. KXIC also claims other nearby structures (a 65-foot steel-ribbed silo and a 75-foot steel windmill tower) raise additional questions of reradiation. Finally, KXIC points to the presence of an oil and gas pipeline that crosses the middle of Braverman's proposed site, and suggests this pipeline may complicate construction of Braverman's proposed array. Based on these conflicting claims, we are unable to find that Braverman's proposed transmitter site will be suitable for construction of the proposed array or that no reradiation and consequent interference will be caused by the power line or other structures. Therefore the record will be reopened and the proceeding remanded to the Chief Administrative Law Judge so that he may appoint an Administrative Law Judge to preside at the further hearing herein, in place of Judge Denniston, who is no longer with this Commission.

[1] Braverman initially optioned its new site, and exercised its option on March 1, 1975.

5. Because this case has already been prolonged, the presiding Administrative Law Judge is directed to proceed as expeditiously as possible in taking evidence on the specified issues and issuing a Supplemental Initial Decision. Because of the unusual procedural posture of this case, further review will be conducted by the Commission itself. In determining whether Braverman's amendment should be granted, the Presiding Judge shall consider only whether the newly-proposed site is satisfactory from the standpoint of reradiation/interference and feasibility of construction of the broadcast facilities. On our own motion we will waive §§ 1.522(b)(3) and 1.571(j)(1) of our rules, which might otherwise require denial of Braverman's amendment because enlargement of the issues is necessary or require assignment of a new file number to Braverman's application because questions of interference are presented. Although the proposed amendment raises questions of reradiation and interference, we generally consider amendments to change transmitter sites to be "minor".[2] Under the circumstances shown here, it would be unduly harsh to return Braverman's application to the processing line[3] or to summarily deny Braverman's amendment. Braverman is the only remaining applicant for these broadcast facilities, and we note that prior to encountering difficulties in obtaining its originally proposed site, Braverman had completed the hearing process and was found fully qualified to be a Commission licensee. Further, we believe the interference questions can be resolved expeditiously at the hearing level.

6. If the Administrative Law Judge denies Braverman's petition to amend its application, then it is apparent Braverman will have difficulty obtaining the property originally proposed for its transmitter site.[4] Accordingly, we will grant KXIC's petition to enlarge issues to the extent that we will specify a site availability issue against Braverman on a contingent basis.

7. *According, it is ordered,* That the record in this case is reopened and the case remanded to an Administrative Law Judge to determine:

(a) Whether, due to the proximity of power lines and the presence of other objects on or near Braverman Broadcasting Company, Inc.'s newly proposed transmitter site, the transmitter site is suitable for installation of the proposed directional antenna array.

(b) Whether, in light of the determination made in issue (a), Braverman Broadcasting Company, Inc.'s petition for leave to amend its application should be granted; and

(c) If it is determined the petition for leave to amend should be denied, whether Braverman Broadcasting Company, Inc. has reasonable assurance of the availability of its proposed transmitter site.

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof on the specified issues SHALL BE on Braverman Broadcasting, Company, Inc.

9. *It is further ordered,* That the Administrative Law Judge SHALL ISSUE a Supplemental Initial Decision, which Decision shall thereafter be reviewed by the Commission.

10. *It is further ordered,* That the petition to enlarge issues filed June 3, 1974, by Johnson County Broadcasting Corporation is granted to the extent indicated herein and is denied in all other respects.

11. *It is further ordered,* That the stay of the Commission's order (FCC 74-602) released June 18, 1974 is continued indefinitely.

Adopted: May 28, 1975.

Released: June 6, 1975.

[SEAL] VINCENT J. MULLINS,[5] *Secretary.*

[FR Doc.75-17639 Filed 7-7-75;8:45 am]

[2] Amendment of §§ 1.311, 1.354(g) and 1.354(h)(i), (FCC 60-280) 19 RR 1599, 1601 (1960); "Application for Major and Minor Changes," 23 FCC 2d 811 (1970).

[3] While we do not so decide, such a procedure likely would be fatal to Braverman's application for standard broadcast facilities in Iowa City, because Braverman would lose its "grandfathered" status, exempting it from the 1968 AM "freeze" on acceptance of applications under the old procedural rules. "Interim Criteria to Govern Acceptance of Standard Broadcast Applications," 13 FCC 2d 866 (1968).

[4] See para. 2 supra.

[5] Commissioners Hooks and Washburn absent.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

JUNE 10, 1975.

Broadcast licensees are reminded that some fundamental changes were made in section 315 of the Communications Act, by enactment, on October 15, 1974, of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443). The 1974 Act amends section 315 of the Communications Act of 1934, effective January 1, 1975, by deleting the section 315 certification requirements imposed in Title I of the Federal Election Campaign Act of 1971 (Pub. L. 92-225). The 1974 Act also repealed those sections of the 1971 Act defining "legally qualified candidate" and "candidate for presidential nomination."

CERTIFICATION

The repealed provisions of section 315 ((c) and (e)[1]) prohibited a licensee from charging a qualified candidate for Federal elective office for use of broadcast time unless the candidate certified that the payment of the charge would not violate any of the spending limitations imposed by other provisions of the 1971 campaign act. The House of Representatives Conference Report (Rept. No. 93-1438) explanatory statement gives a reason for repeal of the certification requirements. The House noted that the case of "American Civil Liberties Union v. Jennings," 366 F. Supp. 1041 (D.D.C. 1973), ruled on the constitutionality of the requirement with respect to the printed media. The three-judge panel found that provision to be unconstitutional prior restraint on publication in violation of First Amendment rights. The case, now captioned "Staats v. A.C.L.U.," is presently pending before the Supreme Court, which noted probable jurisdiction on June 4, 1974 (417 U.S. 944), and which stayed the lower court's decision pending review on July 9, 1974 (418 U.S. 910).

In light of the repeal, licensees are no longer required to obtain certifications from candidates regarding their spending limitations, and, accordingly, all references to certification and all Questions and Answers based thereon in our 1972 Public Notice entitled "Use of Broadcast and Cablecast Facilities by Candidates for Public Office," 34 FCC 2d 510 (1972). are deleted.

EFFECT OF 1974 AMENDMENTS ON DEFINITION OF "LEGALLY QUALIFIED CANDIDATE"

Since the passage of the Federal Election Campaign Act Amendments of 1974 the Commission has received a number of inquiries as to when a person becomes a "legally qualified candidate for public office," within the meaning of Section 315 of the Communications Act. These inquiries ask whether the definition of the term "legally qualified candidate" as set forth in our rules has been modified by certain provisions of the 1974 amendments.

The 1974 Act repealed section 102(4) of the 1971 Act, which had provided:

The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

Since the 1974 Amendment repealed section 102(4) of the 1971 Act, the only definition remaining in the Campaign Act, as amended, for the term "candidate (for Federal elective office)" appears in section 301(b) of the 1971 Act. That definition, which was not changed or deleted by the 1974 amendment, states:

Section 301. When used in this title—

* * * * *

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

However, section 301 of the 1971 Act is contained in Title III of that Act, which

[1] Section 315(d), which also was repealed, applied to non-federal candidates in states which had adopted certain legislation.

sets forth the requirements and procedures for disclosure and reporting of contributions and expenditures made by or on behalf of any Federal candidate or his political committee and, by the terms of section 301, the definitions contained therein are limited to the provisions of Title III. In light of the foregoing, the Commission is of the view that the definition of the term "candidate" as contained in section 301(b) of the 1971 Act does not change Commission policy, rules or precedents regarding who is a "legally qualified candidate for public office" for purposes of section 315 of the Communications Act. Thus, questions as to whether any particular individual is a "legally qualified candidate for public office" under section 315 will continue to be resolved by reference to the applicable sections of the Commission's rules (i.e., §§ 73.120(a), 73.290(a), 73.590(a), or § 73.657(a)), Commission precedent, and the facts of each case.

Subsection (a) of each of the foregoing sections of our rules provides:

Definitions. A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

We adhere to the view that the foregoing criteria continue to govern determinations as to whether a person is a "legally qualified candidate for public office," Federal or otherwise, for purposes of section 315.

The Commission has recognized that the foregoing criteria may not provide precise standards for ascertaining when a person becomes a legally qualified candidate for nomination by convention for the office of President of the United States[2] or for Congressional office in those circumstances in which a Congressional candidate may be nominated by a state party convention rather than a primary election. In connection with candidates for President, we reiterate the standards set forth in "Columbia Broadcasting System, Inc., 40 FCC 244 (1952), and Eugene McCarthy," 11 FCC 2d (1968); *aff'd*, "McCarthy v. FCC," 390 F. 2d 471 (D.C. Cir. 1968). As set forth in those cases, the factors which must be present are:

(1) The individual in question has publicly announced his candidacy for the office of President of the United States;

(2) The individual is seeking the nomination of his political party for that office at the party's convention;

(3) There is no legal impediment to the individual's candidacy;

(4) The individual is a bona fide candidate, within the meaning of the Commission's rules, as evidenced by such indicia as:

(a) Entry, by the individual, in any of the Presidential preferential primary elections, or

(b) Any other active solicitation of support, by the individual, for his candidacy.

Except for 4(a), supra, the same criteria would apply to determine whether a person is a legally qualified candidate for Congressional office in those states in which party nominees can be selected through the convention method.[3]

A copy of this Public Notice is being sent to all licensees.

Action by the Commission June 3, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17640 Filed 7-7-75:8:45 am]

[Docket No. 19660, RM-690; FCC 75-617]

INTERNATIONAL RECORD CARRIERS SCOPE OF OPERATIONS

Memorandum Opinion and Order Re Supplemental Comments

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. By Memorandum Opinion and Order (First Order) released November 26, 1973, in the above-captioned matter,[1] 43 F.C.C. 2d 1174, we instituted an investigation to determine whether the distribution by The Western Union Telegraph Company (WU) to the international record carriers (IRC's) of outbound international message telegraph traffic under the formula prescribed pursuant to section 222(e)(1) of the Communications Act, 47 U.S.C. section 222 (e)(1) (1971), is unjust, unreasonable, or inequitable or not in the public interest, and whether the Commission should prescribe any amendments to such formula. We further required that the parties respondent named therein file statements of fact and memorandums of law (comments) relative to the issues set out in our First Order. See 43 F.C.C. 2d at 1181-2.

2. Following the release of our First Order, and prior to the filing of the parties' comments, a controversy arose among the parties respecting an interpretation of the issues designated in our First Order. These questions concerned whether a study of the traffic distributed under the formula, which could be performed by WU, was necessary to address one or more of those issues; and, if so, whether the comments of the parties respondent should be postponed until such study had been completed. At the request of the parties we addressed those questions by Memorandum Opinion and Order (Second Order) released June 10, 1974, 47 F.C.C. 2d 225. Therein, we determined that the WU study was appropriate and necessary to our full consideration of the issues in this proceeding and directed that WU should conduct a census study of all outbound international message traffic (both routed and unrouted) handled over its lines covering three consecutive one-week periods. See 47 F.C.C. 2d at 228. The study was to be performed on behalf of the interested IRC parties, and WU's costs for performing the study were to be borne by those IRC parties in such proportions as they should mutually agree upon.[1a]

3. On the question of postponement of filing of comments required by our First Order, pending completion of the traffic study, the Commission determined that without prejudice to any respondents the proceeding could move ahead on the basic qualitative questions raised by our designated issues. Therefore, we ordered that initial comments be filed within three weeks of the release of our Second Order,[2] with the WU study proceeding on a parallel and concurrent basis. We also expressed our intent, upon completion of the WU study, to make provision for the parties to file any necessary further comments, both respecting the study itself and to supplement previously-filed comments.

4. The Commission has now received the data from WU provided by the study; which study, we note, covered thirteen consecutive one-week periods (from the week ending December 7, 1974 through March 1, 1975, inclusive) although our Second Order required only a three-week study. WU also represents that these data have been furnished to the interested IRC's and to the International Quota Bureau (IQB). Therefore, it now appears appropriate for the Commission

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[2] The 1971 Act includes the definition of "candidate for presidential nomination," which was contained in section 104(a)(3)(B) of the 1971 Act. That section was repealed by the 1974 amendments. Accordingly all references to the definition of a "candidate for presidential nomination" contained in our 1972 Public Notice, supra, are deleted.

[3] Some state laws and/or state political party rules provide that if a person receives a certain percentage of votes at a political party convention, then no primary election to select that party's nominee need be held. Conversely, if no person receives a certain percentage of the convention vote, the applicable state law or party rule may either require a primary to be held or permit a primary at the request of certain candidates.

[1] See 40 FR 7130, February 19, 1975.

[1a] The parties, independent of the Commission, reached agreement among themselves and entered into an agreement with WU respecting the performance, timing, and cost of the subject study.

[2] This date was extended to July 8, 1974 at the unopposed request of one of the parties. Subsequently responsive comments were filed on August 15 and reply comments on September 16.

to consider the question of further comments from the parties respecting the WU study.

5. We note that several parties in their initial comments reserved a position on one or more of the issues designated in our First Order, pending receipt of the WU traffic study data. Our Second Order provided that the parties could supplement the comments we therein required them to file upon receipt of the study results. See 47 F.C.C. 2d at 228. We have not received from the parties any request for further direction, but we believe that the most expeditious course is for us, on our own motion, to establish procedures for the filing of additional comments relative to the WU study and the results thereof.

6. Since the parties already have substantial background and expertise concerning the basic issue of this proceeding and the factual considerations germane thereto, and since the data for at least the first three study weeks—the study period required by our Second Order—has been available to the parties for analysis for several weeks, we are of the view that a period of four weeks from the release of this order will be adequate for further analysis of this data and preparation of such additional comments as the parties may wish to file, addressed to the WU study and to supplement their responses to the issues in this proceeding.

7. *Accordingly, it is ordered,* That supplemental comments addressing the issues designated in the above-captioned proceeding, respecting the study of outbound international telegraph message traffic conducted by The Western Union Telegraph Company and the results of such study, may be filed by any party respondent on or before July 16, 1975.

8. *It is further ordered,* That parties filing supplemental comments may file reply comments to such supplemental comments on or before July 31, 1975; and

9. *It is further ordered,* That on or before July 16, 1975, the IRC parties shall provide data to all interested parties and the Commission with respect to outbound international telegraph messages handled by each such IRC over its own collection facilities or filed directly with them by users over domestic communications networks (direct access) for at least the three consecutive one-week periods for which The Western Union Telegraph Company was ordered to gather data in the above study.

Adopted: May 28, 1975.

Released: June 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17638 Filed 7-7-75;8:45 am]

[3] Commissioners Hooks and Washburn absent.

FEDERAL ENERGY ADMINISTRATION

ENERGY RESOURCES COUNCIL; INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Public Hearings

Pursuant to a letter from Mr. Rogers Morton, Chairman of the Energy Resources Council, an interagency task force was established to set motor vehicle fuel economy goals beyond 1980. This Federal Task Force is staffed by members of DOT, FEA, EPA, ERDA, and NSF. The task force was directed to:

1. Examine the present state of knowledge for motor vehicle emissions, noise, safety, damageability, fuel economy, performance and cost;
2. Relate the national goals of air quality, noise reduction, highway safety, vehicle damageability and energy conservation to the characteristics of the present and projected motor vehicle fleet, to the economy and to public health and mobility;
3. Determine feasible levels and timing for motor vehicle emission, noise, safety, damageability and fuel economy objective beyond 1980 and determine the process whereby these objectives could be established in a balanced manner;
4. Evaluate alternative policies, their benefits and costs and feasible implementation strategies to achieve national goals; and
5. Provide for public hearings in carrying out its mission.

Eight special panels within the Task Force were established to address major impact areas. These panels include Air Quality, Noise and Health; Safety; Fuels and Materials Resources; Automotive Design; Automotive Manufacturing and Maintenance; Marketing and Mobility; National/Industry/Consumer Economics; and Alternative Implementation Strategies. A ninth panel, the Systems Integration and Report Generation Staff, will compile and integrate the findings and prepare the final report for submission to ERC, by the 1st day of January, 1976.

The purpose of the Air Quality, Noise and Health Panel is threefold. It will evaluate the effects of different levels of automotive emissions upon air quality, assess the health and beneficial cost implications of the quality of the air and identify alternative methods for improving air quality and reducing noise. Emphasis will be placed upon hydrocarbons (HC), carbon monoxide (CO) and oxides of nitrogen (NO_x), but other emissions will also be addressed. Based on the study, the panel will present conclusions concerning the effects and costs of automotive emissions and noise pollution.

The Safety Panel will evaluate the effects of different levels of vehicle safety characteristics upon highway accidents, personal injury and vehicle damage. It will assess the costs and benefits and determine alternative methods of improving highway safety including automotive inspections and maintenance strategies. Benefits resulting from different safety and damage standards, such as crashworthiness and repairability ratings, will be of primary importance.

The Fuels and Materials Resources Panel will be concerned with the availability and costs of fuels and materials for automobile manufacturing in the 1980's. U.S. and non-U.S. sources of fuels and materials will be reviewed. In addition, the panel will consider interrelationships between demand schedules from the auto and other industries and the competition a particular demand schedule will encounter from other economic sections.

The primary purposes of the Automotive Design Panel are to project vehicle designs to minimize fuel consumption as a function of parametric performance constraints, i.e., roominess, acceleration, and safety rating, and to describe the resulting configurations (including materials identification). Also included will be a description of the fuel economy and maintenance requirements for each design. The influence which variations in performance constraints and selected vehicle/component designs will have on fuel economy and other relevant parameters will also be analyzed.

The Automotive Manufacturing and Maintenance Panel will determine industry requirements (such as lead times, labor, capital, material and energy) to manufacture and maintain projected fleets which incorporate selected fuel efficient vehicle configuration, and it will estimate vehicle purchase prices and maintenance costs for vehicles in a projected fleet. Also considered will be the current and future capabilities and plans of the major automobile manufacturers.

The purpose of the Marketing and Mobility Panel will be threefold. It will assess the level and structure of consumer auto travel demand, project the size and mix of auto fleets based on consumer demand beyond 1980 and aggregate the effect of these projections upon fuel consumption, vehicle miles travelled (VMT) and patterns of automobile usage. The panel will consider such factors as average family size, income and automobile ownership, ages of family members, total population, driver population and age mix of drivers, residency patterns and availability, and quality of public transportation systems. In addition, the panel will estimate consumer willingness to pay for performance, roominess and accessories.

The task of the National/Industry/Consumer Economics Panel is to project the level and rate of change of those national economic indicators which affect the automotive manufacturing industry and the consumer demand for and use of automobiles, and to project the impact of alternative motor vehicle goals upon the automotive industry and the national economy. Changes in such macro-economic variables as GNP, disposable income, population, money supply, interest rates and fiscal deficits and surpluses will be evaluated, relative to the reaction of the automotive industry to fuel economy and other objectives.

The Alternative Implementation Strategies Panel will be principally a

policy-advising panel. It will develop and evaluate federal strategies to accomplish alternative motor vehicle goals and assess their impact on the national economy, specific industries and consumers. Typical policies to be considered include mandated vehicle design standards, tariffs and import restrictions, excise taxes, subsidies, tax incentives, volume controls of gasoline and of other materials and products.

In compliance with the directive to provide for public hearings, the Federal Task Force will be conducting four public hearings in cities across the United States. The first of these hearings will be held in Washington, D.C. on July 21, 1975, beginning at 10 a.m., e.d.t., in Room 3000A, reception area of Room 3400, Federal Energy Administration, 12th & Pennsylvania Avenue, Washington, D.C. 20461, and will be continued if necessary, on July 22, 1975. The remainder of the hearings will be taking place in Detroit (commencing July 29th at 10 a.m.), Kansas City (commencing August 5th at 10 a.m.) and Los Angeles (commencing September 9th at 10 a.m.). Locations will be announced shortly. The first hearing, in Washington, D.C. will emphasize concerns to be evaluated by the National/Industry/Consumer Economics Panel and the Alternative Implementation Strategies Panel. In Detroit, the emphasis will be on the material to be examined by the Automotive Design and Automotive Manufacturing and Maintenance Panels. The analysis to be conducted by the Fuels and Materials Resources and Safety Panels will be evaluated in Kansas City and the area to be covered by the Air, Quality, Noise and Health Panel and the Marketing and Mobility Panel will be examined in Los Angeles.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to:

Diane B. Pirkey, Room 6530, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Ms. Pirkey should be contacted at least 10 days prior to the hearing. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation. Each person selected to be heard will be so notified by the FEA 8 days prior to each hearing, and must submit 100 copies of his statement at the time of the hearing. Any person not testifying is welcome to submit a written statement to the above address.

Those conducting the hearings reserve the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard. Further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be made available for inspection in the Reading Room of the Federal Energy Administration Freedom of Information Center, Room 206, Old Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Telephone: (202) 964-3563. Any person may purchase a copy of the transcript from the reporter.

Dated: July 2, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.75-17626 Filed 7-2-75;12:43 pm]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8210-30, among the member lines of the above-named conference, extends the term of the conference's intermodal authority through September 30, 1976.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17665 Filed 7-7-75;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214-15, among the member lines of the above-named conference, extends the term of the conference's intermodal authority through September 30, 1976.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17666 Filed 7-7-75;8:45 am]

REFRIGERATED EXPRESS LINES (A/ASIA) PTY. INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Agreement No. 10166, among Refrigerated Express Lines (A/Asia) Pty. Ltd., Maritime Fruit Carriers Co. Ltd. and Trader Navigation Co. Ltd., common carriers by water operating liner services in the trade from Australia to U.S. Atlantic and Gulf Coast ports, provides for the establishment of a cooperative working arrangement whereby the carriers agree to coordinate or rationalize their sailings in the aforesaid trade for the purpose of avoiding wasteful and uneconomic duplication of services and to improve service to the shipping public by offering more regular sailings and by calling at a broader range of ports. The arrangement is to remain in effect for two years from the date of its approval.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17668 Filed 7-7-75;8:45 am]

TRANS PACIFIC FREIGHT CONFERENCE—HONG KONG AND NEW YORK FREIGHT BUREAU

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Charles F. Warren, Esquire, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreements Nos. 14–43, filed on behalf of the Trans Pacific Freight Conference (Hong Kong), and 5700–24, filed on behalf of the New York Freight Bureau, are identical in nature and amend Article 11 of each of the conferences' Neutral Body provisions to increase the amounts of liquidated damages to be assessed for breaches of the agreements.

Dated: July 1, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17667 Filed 7-7-75;8:45 am]

FEDERAL POWER COMMISSION

AIR POLLUTION STANDARDS

[Docket No. RM75-23, RM75-18]

Monthly Power Statement and Electric Utility Questionnaire on Plans and Costs; Public Conferences

JULY 3, 1975.

Pursuant to § 1.3 of the Commission's rules of practice and procedure, 18 CFR 1.3, notice is hereby given that a public conference shall be convened on July 24, 1975, at the office of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 at 10 a.m. to address certain matters relating to proposed Form 67-A[1] and proposed Form 12E-2.[2]

On February 21, 1975 the Commission issued a notice of proposed rulemaking in Docket No. RM75-18 which proposed to enact a new FPC Form No. 67A, a questionnaire to be filed annually in order to create a comprehensive source of information and body of data on the existence, operation and cost of pollution control equipment for the removal of particulate matter and sulfur oxides at utility plants, and on the probable cost of alternative methods for meeting National Ambient Air Quality Standards. Comments have been received from 38 utilities, one regional coordination group, one individual and the Department of the Interior and the Environmental Protection Agency. The various members of ECAR, through their coordination organization and individually, have requested a conference be scheduled with the Staff of the Commission to discuss the proposed FPC Form No. 67A. In response to the issues raised in the various comments filed and, moreover, because of the important subject matter covered by this proposed rulemaking, the Commission feels that the public interest would be served by providing interested parties with a further opportunity to present their views on this matter. Consequently, a public conference in Docket No. RM75-18 will be convened in Washington, D.C. on July 24, 1975 to consider the general impact of the proposal. A further conference will be scheduled on July 31–August 1, 1975 at 10 a.m. at the regional office of the Federal Power Commission, 31st Floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois, for the purpose of discussing the drafting details, proposed revisions and substantive problems concerning proposed FPC Form No. 67A.

Because the conference to be convened in Washington, D.C. on July 24, 1975 is intended to be general in nature, the Commission feels it will be appropriate to consider simultaneously in that conference problems of a general nature that interested persons may have regarding the proposed revision of FPC Form No. 12E-1. Monthly Power Statement. On March 6, 1975 the Commission published in the FEDERAL REGISTER notice of its proposal to amend 18 CFR 141.56 to enact a superseding Form 12E-2 revising and thereby eliminating FPC Form No. 12E-1. See, Docket No. RM75-23, Notice of Proposed Rulemaking, 40 FR 11896. Comments were received in Docket No. RM75-23 from 26 utilities, one government agency and one electric utility coordination group respecting the proposed rulemaking. The character of these comments indicates that the predominant concern regarding the proposed substitution of FPC Form No. 12E-2 for FPC Form No. 12E-1 relate general complaints regarding duplication, administrative burden and need for certain information. Therefore, the conference to be held in Washington will consider such general subjects relating to both Docket Nos. RM75-18 and 75-23. The Commission, moreover, believes that the further views and participation of the Environmental Protection Agency, Department of the Interior, and the Federal Energy Administration in the forthcoming conferences would be valuable and we specifically invite the attendance of these agencies.

Therefore, a conference which will concentrate on specific revisions to proposed FPC Form No. 67A will be convened in Chicago, Illinois on July 31–August 1, 1975 at 10 a.m. at the Federal Power Commission regional office, 31st floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois. Any comments relating to specific revisions to FPC Form No. 67A will be addressed at that time. The national implications of Proposed FPC Form No. 67A as well as the proposed superseding FPC Form No. 12E-2 shall be discussed at the conference convened

[1] On March 19, 1975, the Commission issued a notice of proposed rulemaking in Docket No. RM75-18 which proposed a new Form No. 67A. 40 FR 12620.

[2] On March 14, 1975, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM75-23 proposing a new Form 12E-2 to supersede Form 12E-1. 40 FR 11896.

in Washington, D.C. at the Federal Power Commission, 825 North Capitol Street, NE at 10 a.m. on July 24, 1975. All interested parties are urged to participate in either or both conferences according to their interest in the respective subject matters to be addressed at each, as outlined above.

Each conference is open to members of the general public who upon recognition by the presiding officer of the conference may offer their comments as to the relevant issues under discussion. Each conference shall be of record. Parties desiring to place written presentations into the record should provide the Staff with at least one original and nine copies of such submission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17791 Filed 7-3-75;4:04 pm]

[Dockets Nos. CI75-576, CI75-577]

AMERADA HESS CORP.

Withdrawal

JUNE 30, 1975.

On June 9, 1975, Amerada Hess Corporation filed a withdrawal of its applications for limited-term certificates, filed March 27, 1975, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules and regulations the withdrawal of the above application shall become effective July 9, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17595 Filed 7-7-75;8:45 am]

[Docket No. G-7490]

AMOCO PRODUCTION CO.

Application

JUNE 25, 1975.

Take notice that on June 9, 1975, Amoco Production Company (Applicant), P.O. Box 3092, Houston, Texas 77001, filed in Docket No. G-7490 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from the Eumont and other fields in Lea County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Northern from Well No. 2 which Applicant operates on the Southland Royalty "A" Lease in Lea County. Applicant explains that said well has been reclassified by the New Mexico Oil Conservation Commission from a gas well to an oil well. Applicant states that as an oil well, the casinghead gas therefrom is committed to Warren Petroleum Corporation under a percentage-type contract, and the residue gas will in turn be sold from Warren Petroleum Corporation's Eunice Plant to El Paso Natural Gas Company. Applicant states that Northern has indicated its concurrence with the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17596 Filed 7-7-75;8:45 am]

[Docket No. CI75-503]

ANADARKO PRODUCTION CO.

Withdrawal and Cancellation of Hearing

JUNE 19, 1975.

On June 9, 1975, Anadarko Production Company filed a withdrawal of its application for a limited term certificate of public convenience and necessity, filed February 20, 1975, in the above-designated matter, which was set for hearing by order issued May 9, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective July 9, 1975. The hearing scheduled for June 26, 1975 is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17597 Filed 7-7-75;8:45 am]

[Docket No. E. 8302]

BANGOR HYDRO-ELECTRIC CO.

Extension of Procedural Dates

JUNE 23, 1975.

On June 20, 1975, Bangor Hydro-Electric Company filed a motion to extend the procedural dates fixed by order issued June 4, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Direct Testimony, July 3, 1975.
Service of Staff Testimony, August 5, 1975.
Service of Intervenor Testimony, August 19, 1975.
Service of Company Rebuttal, September 2, 1975.
Hearing, September 16, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17598 Filed 7-7-75;8:45 am]

[Docket No. CP68-319]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Petition To Amend

JUNE 30, 1975.

Take notice that on June 23, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP68-319 a petition to amend the order of the Commission on August 5, 1968 (40 FPC 223), issued pursuant to section 7(c) of the Natural Gas Act to include authorization to exchange natural gas at an additional point, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner requests that the Commission amend its order authorizing the exchange of natural gas with Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), to include an additional delivery point for redelivery of gas by Petitioner to Kansas-Nebraska at an existing interconnection between Petitioner and Kansas-Nebraska in Weld County, Colorado, on a best efforts basis. Petitioner states that it is authorized to receive up to 17,000 Mcf of gas per day from gas wells controlled by Kansas-Nebraska in Beaver and Texas Counties, Oklahoma, at its Baker Meter Station located on the Mocane-to-Campo Junction pipeline in Texas County, Oklahoma. Redeliveries to Kansas-Nebraska from Petitioner are made at an interconnection of the two companies in the Kansas Hugoton Field. Petitioner alleges that Kansas-Nebraska desires to increase gas receipts from its reserves in the Hugoton Field and that the transferral of Petitioner's redelivery from Hugoton Field to the existing delivery point in Weld County where Kansas-Nebraska has excess capacity would allow Kansas-Nebraska to utilize its limited facilities in the Hugoton Field area to increase its takes of gas from its reserves in the Hugoton Field without having to change its facilities or operations in that area. Petitioner states that increasing deliveries to Kansas-Nebraska in Weld County will not substantially affect the total delivery capacity of the Wyoming pipeline although less gas will be delivered to Denver from that system. It is further stated that since less gas will be delivered to Kansas-Nebraska from the Hugoton Field, more gas will be available to Petitioner's transmission system for delivery to Denver from that supply

source and that sufficient capacity exists in the Southern System to accommodate the increased flow rate. Petitioner states that no change in the daily or annual total exchange volumes would result from the proposed changes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17599 Filed 7-7-75;8:45 am]

[Docket No. E-9506]

GULF STATES UTILITIES CO.

Filing of Superseding Rate Schedule

JUNE 27, 1975.

Take notice that on June 20, 1975, Gulf States Utilities Company (Company) tendered for filing a contract between the Company and the City of St. Martinsville, Louisiana (City). The contract is to supersede the current contract between the Company and the City which is designated Company Rate Schedule FPC No. 30. The Company requests that the old contract be cancelled.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17600 Filed 7-7-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting in Part Proposed Tariff Sheets, Rejecting Revised Service Agreements, Providing for Hearing and Establishing Procedures

JUNE 27, 1975.

On May 29, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing First Revised Volume No. 1 of its FPC Gas Tariff incorporating a proposed rate increase of $37,526 in its revenues for service it renders to an affiliate, Lawrenceburg Gas Company (Lawrenceburg Gas), and its parent company, Cincinnati Gas & Electric Company (Cincinnati) based upon adjusted volumes and cost of service for the twelve months ended March 31, 1975. The filing includes proposed tariff revisions which would effect a pro-rata type curtailment plan, with seasonal entitlements assignable to Lawrenceburg's two wholesale customers. The filing also includes two new service agreements between Lawrenceburg and its two wholesale customers which provide for a change in rate schedule for Cincinnati and a redistribution of the contract demand volumes for the two customers. Lawrenceburg requested, in its May 29, 1975 filing, that the proposed changes be permitted to become effective on June 30, 1975. Lawrenceburg filed on June 23, 1975, an amendment to its original filing requesting an effective date for the proposed changes coinciding with the date of approval of its certificate application requesting authorization for its revised service agreements.

In support of the proposed rate increase, Lawrenceburg cites increases in operating expenses, increased costs associated with increased curtailment and the need for an increase in the rate of return. Lawrenceburg states that any suspension beyond the one day minimum would have drastic consequences on Lawrenceburg.

Public notice of Lawrenceburg's filing was issued June 3, 1975, with comments, protests and petitions to intervene due on or before June 24, 1975.

As noted by Lawrenceburg in its June 23, 1975 filing, it has yet to receive certificate authorization for the revised service agreements which were included in its May 29, 1975 filing.[1] Section 154.22 of the Commission's regulations requires that a certificate of public convenience and necessity must be obtained before such new service agreements may be filed as part of a rate schedule. Therefore, we shall reject these revised service agreements. Since First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff is predicated on the uncertificated revised service agreements, we shall reject the tariff sheets contained therein other than Tariff Sheet No. 3A which contains Lawrenceburg's revised rates. We shall accept for filing and suspend for one day Tariff Sheet No. 3A subject to the condition that Lawrenceburg file, within 15 days of the issuance of this order, revised tariff sheets setting forth revised rates in conformance with Lawrenceburg's proposed cost of service in the instant filing, but under the existing terms of its service to its two customers.

As to Lawrenceburg's request for an effective date to coincide with the date of certificate approval in Docket No. CP75-370, we cannot determine at this time the additional time which may elapse before action can be taken upon the certificate proposal and whether the proposal will be approved. Therefore, it would not be appropriate to relate the effectiveness of the proposed rate increase to approval of the certificate proposal.

We note that the rate design included in the instant filing reflects the unmodified seaboard method of cost classification and cost allocation.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Lawrenceburg system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation, as well as to the propriety of Lawrenceburg's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.[2] In this connection we refer the parties to our recent rulemaking Docket No. RM75-19 issued February 20, 1975.

As previously noted, Lawrenceburg's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

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[1] Lawrenceburg filed on June 23, 1975, its certificate application in Docket No. CP75-370.

[2] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

Our review of the rate increase proposed in the instant filing indicates that the issues raised therein may require development in an evidentiary proceeding. The proposed rate increase tendered by Lawrenceburg on May 29, 1975, has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall suspend the use of the proposed rates for one day until July 1, 1975, subject to the terms and conditions of this order.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rate increase proposed by Lawrenceburg in Docket No. RP75-104 and that such increase be accepted for filing as hereinafter conditioned and suspended as hereinafter provided.

(2) The revised service agreements tendered by Lawrenceburg as part of its filing should be rejected as no certificate approval authorizing such revised service has been obtained.

(3) First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff, except for Tariff Sheet No. 3A contained therein, tendered on May 29, 1975, should be rejected.

The Commission orders. (A) The revised service agreements tendered by Lawrenceburg on May 29, 1975, are hereby rejected.

(B) First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff, except for Tariff Sheet No. 3A contained therein, tendered on May 29, 1975, is hereby rejected.

(C) Subject to the condition set forth in Ordering Paragraph (D) below, Lawrenceburg's proposed rates as set forth in Tariff Sheet No. 3A of First Revised Volume No. 1 of its FPC Gas Tariff proffered in Docket No. RP75-104 are accepted for filing and suspended for one day until July 1, 1975.

(D) Lawrenceburg shall file, within 15 days of the issuance of this order, a revised Tariff Sheet No. 3A and revised Schedules N-9 and N-10 of its filing setting forth revised rates in conformance with its proposed cost of service in the instant filing, but under the existing terms of its service to its two customers. Such revised rates shall become effective as of July 1, 1975, subject to refund.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on November 11, 1975, at 10 a.m., prevailing time, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Lawrenceburg's proposed rate increase filed in this docket.

(F) On or before October 1, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before October 15, 1975. Company rebuttal shall be served October 29, 1975.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17601 Filed 7-7-75;8:45 am]

[Docket No. RP73-108, (AP75-1)]

PANHANDLE EASTERN PIPE LINE CO.

Certification of Settlement Agreement

JUNE 30, 1975.

Take notice that on June 24, 1975, the Presiding Administrative Law Judge certified to the Commission the Stipulation and Agreement dated May 19, 1975, offered on the record in hearing held June 19, 1975, by Panhandle Eastern Pipe Line Company (Panhandle) as a proposed settlement of all issues in the proceeding initiated by Commission order issued January 31, 1975, concerning certain advance payments to producers. These advances were reflected in Panhandle's rates, subject to hearing and refund pursuant to the January 31 order, effective on February 2, 1975.

The provisions of the Stipulation and Agreement, if accepted and approved by the Commission, would permit Panhandle to continue to include in its Account 166 and to reflect in its rates the specified advances under certain conditions and agreements and in furtherance of the provisions of the Commission's Order No. 499, 50 FPC 2111. The settlement agreement is recommended by the Commission Staff and no party has entered any objection.

Any person desiring to file a comment upon the Stipulation and Agreement should file such comment with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17602 Filed 7-7-75;8:45 am]

[Docket No. CP74-210]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Amendment to Application

JUNE 30, 1975.

Take notice that on June 23, 1975, Texas Eastern Transmission Corporation (Texas Eastern), PO. Box 2521, Houston, Texas 77001, and Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, jointly Applicants, filed in Docket No. CP74-210, an amendment to the joint application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in their joint application filed February 18, 1974, they request authorization for exchanges under their exchange agreement dated August 22, 1974, at specified and at other points along the pipeline systems of Texas Eastern and Mississippi where both of them receive gas and at points of exchange with others. Applicants now propose and request authorization in the instant filing to exchange gas at the specified points only and withdraw their request for authorization to exchange gas at the unspecified points.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protest, petitions to intervene, or notices of intervention in the instant docket need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17603 Filed 7-7-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Motion for Approval of Settlement Agreement; Correction

JUNE 24, 1975.

In the notice of motion for approval of settlement agreement issued June 17, 1975, and published in the FEDERAL REGISTER on June 24, 1975, 40 FR 26618, that notice erroneously stated that petitions or protests are due on or before July 28, 1975, with reply comments due the same date. That notice should properly have

stated that comments are due on or before July 10, 1975, with reply comments due on or before July 28, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17604 Filed 7-7-75;8:45 am]

[Docket No. E-6943]

UNITED STATES DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Request for Extended Approval of Rates and Charges

JUNE 30, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southwestern Power Administration (SWPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on June 19, 1975, a request in Docket No. E-6943 for an extension for a period not to exceed 90 days of the Commission's confirmation and approval of SWPA's rates for the sale of power and energy generated at the Narrows Dam project in Arkansas, operated by the U.S. Corps of Engineers. The Commission by order issued January 22, 1971, in this docket approved such rates and charges for the period ending not later than June 30, 1975.

All of the electric power and energy generated at the Narrows Dam project is sold to the Tex-La Electric Cooperative, Inc. (Tex-La) under the terms of a contract between SWPA and Tex-La (Contract No. 14-02-0001-921). The rate approved in this docket for the sale of Narrows Dam power and energy under Article I, Section 3 of the above contract is $465,000 per year ($38,750 per month).

The Secretary represents, in substance, that the requested extension of approval of SWPA's rates and charges for Narrows Dam power is necessary to allow time for SWPA to hold a hearing to afford interested parties the opportunity to participate in the ratesetting process. After consideration of the hearing testimony, SWPA will determine the magnitude of the rate adjustment that may be necessary and will file a request for the Commission's approval of the adjusted rate.

The SWPA-Tex-La rate contract referred to above is on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions relative to the Commission's consideration of the requested 90-day extension of approval of the present rates should submit the same in writing on or before July 11, 1975 to the Federal Power Commission, Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17605 Filed 7-7-75;8:45 am]

[Docket No. CP75-234]

NORTHWEST PIPELINE CORP.

Informal Conference

JULY 7, 1975.

Take notice that on July 11, 1975, an informal conference will be held in the above-referenced proceeding. The conference will be held in Room 8402 of the Federal Power Commission and will commence at 10:00 a.m. (E.D.T.). All parties may attend.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17862 Filed 7-7-75;10:26 am]

[Docket No. E-9523]

WISCONSIN MICHIGAN POWER CO.

Amendment To Interconnection Agreement

JULY 3, 1975.

Take notice that on June 27, 1975, Wisconsin Michigan Power Company (Applicant) tendered for filing with the Federal Power Commission an amendment dated May 29, 1975 to their Agreement dated March 22, 1968 with the Cities of Kaukauna and Menasha (Kaukauna-Menasha).

The amendment, effective June 3, 1975, provides for the following:

(a) An additional point of delivery at 138 kV between the systems of Applicant and Kaukauna-Menasha,

(b) Cost of expansion of interconnection facilities shall be allocated by negotiations on the basis of benefits derived by each party,

(c) Removal of restriction on Kaukauna-Menasha interconnecting with any system other than Applicant's,

(d) Addition of provisions for parallel system operation and the control of system disturbances,

(e) Compensation for Emergency Energy has been changed to provide for the return of equivalent energy or, at the option of the supplying party, at the rate of 110% of the supplier's out-of-pocket cost with a minimum of 17½ mills per kilowatt-hour, and

(f) All metering facilities are to be owned and maintained by Kaukauna-Menasha.

Applicant states that sufficient information to estimate with any degree of accuracy the quantities of energy which will be delivered by either party under the Emergency Energy class of service is not available.

Applicant requests that pursuant to § 35.11 of the Commission's regulations under the Federal Power Act, and section 205(d) of the Act, the Commission waive its thirty day notice requirement and accept the subject filing to become effective immediately.

Applicant states that signed duplicate originals of the amendment have been provided to Kaufauna-Menasha.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Wshington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17792 Filed 7-7-75;4:03 pm]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Order Approving Merger of Bank Holding Companies

American Bancshares, Incorporated, North Miami, Florida ("American"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to acquire all of the voting shares of ComBanks Corporation, Winter Park, Florida ("ComBanks"), under the charter and title of American. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

American has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire, in conjunction with the above merger, ComBanks Mortgage Company, Winter Park, Florida ("Mortgage"), a company that engages in making, acquiring or servicing for its own account or for the account of others, loans or other extensions of credit normally made in the operation of a mortgage company, such as construction, development, mortgage and other types of real estate loans. Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1842(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of ComBanks Data Processing Center, Winter Park, Florida ("Data"), a division of ComBanks, and thereby perform data processing services for the operations of the holding company and its subsidiaries, and storing and processing other banking, financial and related economic data, such as performing payroll, accounts receivable or payable billing services, or other similar financial services. The activities of Mortgage and Data have been determined by the Board in §§ 225.4(a)(1) and (8) of Regulation Y, respectively, as being permissible activities for bank holding companies, subject to Board approvals of individual proposals in accordance with the procedures of § 225.4(b) of Regulation Y.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 17344). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

American, the fifteenth largest banking organization in Florida, controls 10 banks with aggregate deposits of approximately $308 million, representing 1.3 per cent of the total deposits in commercial banks in the State.[1] ComBanks is the 23rd largest banking organization in the State and controls seven banks with aggregate deposits of approximately $163 million, representing 0.7 per cent of the total deposits in commercial banks in the State. Upon consummation of the proposed merger, American would control 2 per cent of the total State deposits and would become the fourteenth largest banking organization in Florida.

American's subsidiary banks are located in seven different banking markets as follows: Four in the greater Miami market and one in each of the Gainesville, North Pinellas County, South Pinellas County, Tampa, North Broward County and Key Largo markets.[2] ComBanks' seven subsidiary banks are all located in the Orlando banking market,[3] where ComBanks controls 11.8 per cent of that market's total deposits and, thereby, ranks as the second largest banking organization operating therein. Neither American nor ComBanks has any subsidiary banks located within the same market; and neither has any subsidiary banks located in adjacent markets. Thus, it appears that no meaningful competition presently exists between any of the banking subsidiaries of American and those of ComBanks, nor is any such competition likely to develop in view of the market separation and Florida's branching laws.

Although consummation of the proposed merger would foreclose the possibility that either American or ComBanks would enter the banking markets of the other, the Board finds that there is little likelihood of significant potential competition developing between the two banking organizations in the absence of the subject proposal. ComBanks has shown no inclination to expand beyond the Orlando market and does not now appear to possess the managerial resources to do so. Furthermore, it does not appear from the facts of record that American has the necessary resources to expand into the Orlando market in the foreseeable future. Accordingly, the Board concludes that consummation of the proposal would not have any significant adverse effects on existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application to merge the two holding companies.

The financial condition of American, ComBanks and their respective subsidiaries is considered to be generally satisfactory. Consummation of the proposed merger should result in greater investor appeal for the consolidated banking organization and thereby provide American with easier access to the equity capital markets. Furthermore, consummation of the proposal should enable American to strengthen ComBanks' present managerial resources. The future prospects for the resulting organization and its subsidiaries appear favorable. Therefore, the banking factors lend weight toward approval of the application. Although American proposes no major changes in the services presently offered as a result of this transaction, the considerations relating to the convenience and needs of the residents of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of this transaction would be in the public interest and that the application to merge the two holding companies should be approved.

In conjunction with the proposed merger, American proposes to acquire Mortgage, a company that engages in the activities of originating, selling and servicing real estate mortgage loans in the Orlando market. As of December 31, 1974, Mortgage had a mortgage servicing portfolio of approximately $2.2 million and had originated total loans of slightly more than $4.2 million since its formation in January of 1974. American's nonbanking subsidiary, American Bancshares Mortgage Company, Inc., North Miami, Florida ("ABMC") engages in these same activities in Broward and Dade Counties, Florida. However, neither Mortgage nor ABMC derive any significant business from the market areas in which the other operates. Therefore, the Board concludes that the proposed acquisition would not have adverse effects on existing competition. Furthermore, it does not appear that consummation of the proposal would foreclose the development of significant potential competition within the Orlando market in view of the relatively minor size of Mortgage in relation to the market and the numerous other competitors and potential competitors in the market. It is anticipated that affiliation with American will provide Mortgage with American's managerial expertise in mortgage banking and enable it to attract capital at lower rates, which factors should facilitate Mortgage's operations. These increased capabilities may be expected to result in benefits to the public in the form of improved services and lower rates.

Also in conjunction with the proposed merger, American proposes to acquire the assets of Data (total 1974 billings of $775,000) and thereby perform certain data processing services for American, its subsidiaries and other business enterprises. American does not presently have any data processing facilities. On this basis, and other facts of record, the Board concludes that consummation of the proposal would not have significant adverse effects on competition in any relevant area. In addition, it is expected that this acquisition will result in improved internal operating efficiency for American and its subsidiaries, as well as permit American to offer such data processing services to other businesses. Furthermore, there is no evidence to indicate that the acquisition of Mortgage or Data by American would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of American's proposal.

Accordingly, the applications are approved for the reasons summarized above. The proposed merger shall not be made before the thirtieth calendar day following the effective date of this order, shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta. The determination as to American's data processing activities and the activities of Mortgage are subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 27, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-17571 Filed 7-7-75;8:45 am]

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of SBMT Sunamerica Corp.

Chemical New York Corporation, New York, New York, a bank holding com-

[1] All banking data are as of December 31, 1974, and reflect all holding company formations and acquisitions approved by the Board through May 31, 1975.

[2] The greater Miami market is approximated by all of Dade County and the Hollywood area of Broward County; the Gainesville market is approximated by Alachua County; the North Pinellas County market is approximated by the northern half of Pinellas County; the South Pinellas County market is approximated by the southern half of Pinellas County; the Tampa market is approximated by Hillsborough County and the town of Land O'Lakes in Pasco County; the North Broward market is approximated by the northern two-thirds of Broward County, and the Key Largo market is approximated by the town of Key Largo, all in Florida.

[3] The Orlando banking market is approximated by all of Orange and Seminole Counties, excepting therefrom the communities of Sanford and Oviedo, all in Florida.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

pany within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire, through an exchange of shares, all of the voting shares of SBMT Sunamerica Corporation, Cleveland, Ohio ("Sunamerica"), a company that engages in the activities of a consumer finance company by making, acquiring or servicing loans and other extensions of credit such as would be made by a finance company; operating industrial banks in the manner authorized by the State of Colorado; providing time on its computer to firms which avail themselves of Sunamerica's computer during slack periods; acting as an insurance agent or broker in offices of Sunamerica and its subsidiaries with respect to insurance directly related to an extension of credit by such subsidiaries or otherwise sold as a matter of convenience to the purchaser, so long as the premium income from such convenience sales does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to § 225.4(a)(9)(ii) of Regulation Y; and acting as underwriter for credit life insurance and credit accident and health insurane which is directly related to extensions of credit by the bank holding system. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (2), (8), (9) and (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 14378). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a multi-bank holding company, is the fourth largest banking organization in New York State, and the fifth largest nationally. Applicant controls Chemical Bank, New York, New York ("Bank"), and six other commercial banks which, collectively, hold deposits of $13.1 billion, representing approximately 9.7 per cent of the total deposits in commercial banks in New York State.[1] Applicant also controls nonbanking subsidiaries which engage in equipment financing, construction lending, permanent financing of income producing properties, mortgage banking and accounts receivable financing and factoring.

Sunamerica, with total gross receivables of $68.3 million, is a holding company for three wholly-owned subsidiaries: The Sun Finance and Loan Company, Sun States Life Insurance Company and Great Lakes Insurance Company. The Sun Finance and Loan Company operates consumer finance subsidiaries in eleven States, four industrial banks in Colorado, and two insurance agencies. The Sun Finance and Loan Company ranks as the 90th largest finance company (57th largest noncaptive finance company) in the United States. Sun States Life Insurance Company engages in the reinsurance of credit related life insurance originating from direct loan and sales finance transactions by Sun Finance and Loan Company while Great Lakes Insurance Company engages in the reinsurance of credit related accident and health insurance originating from the same sources.

With respect to Sunamerica's lending activities, approximately 66 percent of its outstanding receivables consist of personal loans and an additional 33 percent consist of receivables arising from the purchase from dealers of installment notes from the sale of goods and services. The geographic market for personal loans is considered to be local. Although it is possible to engage in sales finance over an unlimited geographic area, Sunamerica has only a few sales finance clients located outside the various local market areas of its personal loan offices. Sunamerica operates its 105 offices in local markets in California, Colorado, Florida, Georgia, Kentucky, Louisiana, North Carolina, Ohio, South Carolina, Tennessee and West Virginia. Applicant's seven subsidiary banks extend personal loans solely within several major markets in New York State. In addition, Bank does engage in sales finance, but competes for such business principally in the New York City metropolitan area. Thus, since there is no meaningful geographic overlap between the services offered by both Applicant and Sunamerica, consummation of the proposed transaction would not adversely affect existing competition in any relevant market.

With respect to the question of whether consummation of the proposal would eliminate any significant competition in the future, Applicant possesses the resources and expertise to penetrate the markets that are presently served by Sunamerica through *de novo* entry or through the acquisition of smaller finance companies. The loss of potential competition upon consummation of this proposal is not viewed as serious. The major markets in which Sunamerica operates contain numerous competitors and Sunamerica's share of the individual markets is small. Sunamerica has less than 3 percent of all personal loans in nearly all the relevant markets and no more than 2.2 percent of the sales financings in any market. In no market does Sunamerica appear to have a dominant position in either product line. The Board therefore concludes that consummation of the proposal would have only a very slight adverse effect with respect to the elimination of potential competition.

Due to the nature of Sunamerica's insurance activities, which are presently limited to extensions of credit made by Sunamerica and its subsidiaries and insurance sold to customers of Sunamerica and its subsidiaries as a matter of convenience, it does not appear that Applicant's acquisition of these insurance activities would have any significant effect on existing or potential competition.

The subject application contains a number of factors which, in the Board's view, make the financial considerations involved in the proposal consistent with approval. Foremost among these is the fact that the proposal involves a stock-for-stock acquisition and thus does not constitute a utilization of funds for expansion, which funds could be used elsewhere to strengthen Applicant's organization. Another factor which has entered into the Board's decision is that Sunamerica will maintain its funding separate and independent of Applicant. Likewise Applicant will not guarantee or issue any debt to be utilized in Sunamerica's operation. Thus, it will not be necessary in the immediate future for Applicant to enter the debt market to support Sunamerica's activities. Furthermore, Applicant intends to defer indefinitely its original plans for *de novo* expansion of Sunamerica. It appears, therefore, that consummation of the proposal would not require Applicant to divert any significant amount of its financial or managerial resources to assure the successful operation of Sunamerica. On the other hand, the acquisition of Sunamerica should ultimately result in benefits to the overall earnings of Applicant.

In order for the Board to approve an acquisition under section 4(c)(8) of the Bank Holding Company Act it must determine that approval can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices.

The normal public benefits which can be expected to accrue from the entry of bank holding companies into the finance company business would be expected to accrue in this case. In addition, the added managerial strength and improved efficiencies resulting from the acquisition of Sunamerica by Applicant will allow Sunamerica to increase its receivables and expand its influence within its already established markets. Furthermore, Applicant is committed to lower interest rates to all borrowers without being more restrictive in its credit standards.

As discussed hereinafter, Applicant will lower credit insurance premium rates in the States where policies are reinsured by a Sunamerica subsidiary. Applicant has proposed a rate reduction, without a reduction of policy benefits, of 5 per cent for credit accident and health insurance and a range of rate reductions of from 2 per cent to 15 per cent for credit life insurance. The Board has determined that these benefits to the public outweigh the slightly adverse potential competitive effects of the proposal and that approval of the acquisition is warranted.

On the basis of all the facts of record, including the Board's view that Applicant's commitments and assurance that

[1] Banking data for Chemical New York Corporation are as of June 30, 1974; all financial data for Sunamerica Corporation are as of December 31, 1974.

the acquisition will neither result in any significant increased demand upon Applicant's financial or managerial resources nor cause any immediate alteration or expansion of Sunamerica's present operations, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. The Board's approval determination is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 27, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-17572 Filed 7-7-75;8:45 am]

CROSS TIMBERS BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Cross Timbers Bancshares, Inc., Gorman, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 96 percent or more of the voting shares of The First National Bank of Gorman, Gorman, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Texas for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $5.2 million, is the smallest of five banking organizations in the Eastland banking market (approximated by the boundaries of Eastland county, located 100 miles west of Fort Worth) and holds approximately 9.7 percent of total deposits in the market.[1] Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt which Applicant proposes to service over a twelve-year period primarily through dividends from Bank. It is noted that in the recent past Bank has paid no dividends. In the Board's view, the projected earnings of Applicant to service the acquisition debt over the debt-retirement period appear to be somewhat optimistic based on Bank's previous earnings and, even if actually realized, would not provide Applicant with the financial flexibility necessary to meet its annual debt service requirements while maintaining adequate capital at Bank. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in the convenience and needs of the community to be served. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective June 25, 1975.

THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-17647 Filed 7-7-75;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich and Coldwell. Absent and not voting: Governor Bucher.

[1] All banking data are as of December 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell.

FIRST MANISTIQUE CORP.

Formation of Bank Holding Company

First Manistique Corporation, Manistique, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of two banks: First National Bank at Manistique, Manistique, Michigan, and Manistique Lakes Bank, Curtis, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-17573 Filed 7-7-75;8:45 am]

FIRST-WICHITA BANCSHARES, INC.

Formation of Bank Holding Company

First-Wichita Bancshares, Inc., Wichita Falls, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The First-Wichita National Bank of Wichita Falls, 52.5 per cent of the voting shares of Southwest National Bank of Wichita Falls, both located in Wichita Falls, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-17574 Filed 7-7-75;8:45 am]

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS, AND HELPERS

Acquisition of Bank

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Kansas City, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

1842(a)(3)) to acquire up to 40 per cent of the voting shares of The Brotherhood State Bank, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 30, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17576 Filed 7-7-75;8:45 am]

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3) to acquire at least 90 per cent of the voting shares, plus directors' qualifying shares, of the Home Trust Company, Perryville, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, presently controls twenty-six banks with aggregate deposits of $1.6 billion, representing 10.86 per cent of total commercial bank deposits in Missouri.[1] Acquisition of Bank, with $15.7 million in deposits, would increase Applicant's share of commercial bank deposits by .11 of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the second largest of five banks in its market area (which is approximated by Perry County plus the area surrounding the town of St. Marys in Ste. Genevieve County), holding 31.4 per cent of total commercial bank deposits in the market. Applicant's closest subsidiary bank is located in Ste. Genevieve, 22 road miles northwest of Perryville. Although this subsidiary and Bank each derive small amounts of business from the other's service area and from the St. Marys area, there is no significant existing competition between Bank and any of Applicant's subsidiaries. Potential competition would not be adversely affected, since *de novo* entry in Perry County seems unlikely. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are all regarded as generally satisfactory and consistent with approval of the application. As a result of affiliation, Applicant will assist Bank in offering trust services, investment advisory services and automated computer services, none of which Bank has previously offered. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It has been determined that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17575 Filed 7-7-75;8:45 am]

[1] Deposit data as of June 30, 1974 adjusted to reflect holding company acquisitions approved through May 22, 1975.

PEOPLES BANCSHARES, INC.

Acquisition of Bank

Peoples BancShares, Inc., Canton, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Scio Bank Company, Scio, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17577 Filed 7-7-75;8:45 am]

SOONER BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Sooner Bancshares, Inc., Caddo, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of the formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Bryan County National Bank, Caddo, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act.

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $4.5 million,[1] is the third largest of five commercial banks located in the Bryan banking market (approximated by Bryan County). The three largest banks in the market control 90 per cent of market deposits of $67 million. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from a family to a corporation owned by the same individuals, with no change in Bank's management or operation, consummation of the proposal would not have any adverse effect on existing or potential competition. The principals of Applicant are also the principals of another one-bank holding company, Shamrock Bancshares, Inc., which controls the First National Bank in Coalgate, Coalgate, Oklahoma. Coalgate Bank is located 34 miles north of Bank and is in a different banking market. Since this bank is located in a separate banking market from that of Bank, and in view of other facts in the record, it appears that no significant existing competition would be eliminated, nor potential competition foreclosed, as a result of the consummation of this proposal. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will be dependent upon those of Bank, are considered to be satisfactory, in view of Applicant's commitment to inject an additional $75,000 into Bank's capital after consummation of the proposed acquisition. The projected earnings of Bank would appear to provide Applicant with the necessary financial strength and flexibility to maintain an adequate capital position for Bank and to service the debt that Applicant is assuming from Bank's principals as a part of the transaction. Therefore, considerations relating to banking factors are consistent with approval of the application. Although the proposed transaction represents only a change in the form of ownership of Bank, considerations relating to the convenience and

[1] All deposit data are as of June 30, 1974.

needs of the community to be served are consistent with approval. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective June 27, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-17578 Filed 7-7-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 2, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Since GAO has access to the written comments received by FTC in May 1975 on the proposed 1974 Line of Business Program, and also the transcripts of the Line of Business hearing held on May 20, 1975, efforts should be taken to avoid duplicating the same issues raised in those comments in the written comments submitted to GAO. Instead, the comments to GAO should concentrate on communicating new information which was not presented to FTC. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 28, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of the revised FTC annual Line of Business Form, Form LB. The LB Program has been undertaken as part of the FTC's mandate under section 6 of the Federal Trade Commission Act to gather and compile information concerning the organization, business, conduct, practices, and management of corporations engaged in commerce in the United States. Potential respondents will be 425 companies selected from among the 1000 largest in the manufacturing sector. Respondent burden is estimated to average 960 hours for the reporting requirement.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.75-17710 Filed 7-7-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROCUREMENT INSTITUTE

Executive Branch Position on Commission on Government Procurement Recommendation A-21

Notice is given that the executive branch has accepted Commission on Government Procurement Recommendation A-21 which states:

Establish a Federal Procurement Institute (FPI) which would include undergraduate and graduate curricula, procurement research programs, executive seminar programs, and other academic programs.

The Administrator for Federal Procurement Policy has overall responsibility for establishing the Federal Procurement Institute. As an initial step toward the implementation of A-21, he plans to establish a task force to work out the details of the design of the Institute for his consideration and decision.

Dated at Washington, D.C., on June 30, 1975.

WILLIAM W. THYBONY, *Acting Associate Administrator for Federal Management Policy.*

[FR Doc.75-17583 Filed 7-7-75;8:45 am]

[Federal Property Management Regs.; Temporary Reg. D-50]

ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Delegation of Authority

1. *Purpose.* This regulation continues in effect the authority delegated to the Administrator of the Environmental Protection Agency (EPA) to perform all functions in connection with the leasing of space at Research Triangle Park, North Carolina, for use by EPA as a laboratory facility.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 8 years from the effective date of the lease of the rented premises or upon termination of the lease, whichever is earlier.

4. *Background.* This regulation reflects the delegation of authority that was granted by letter on May 8, 1975, to the Administrator of the Environmental Protection Agency.

5. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Administrator of the Environmental Protection Agency to perform all functions in connection with the leasing of special purpose and related space in the amount of 114,276 square feet for a laboratory facility at Research Triangle Park, North Carolina.

b. This delegation shall extend to leasing space under authority in section 210 (h)(1) of the above-cited act (40 U.S.C. 490(h)(1)) for a firm term of 5 years and three 1-year renewal options.

c. The Administrator of the Environmental Protection Agency may redelegate this authority to any officer, official, or employee of the Environmental Protection Agency.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

6. *Effect on other issuances.* This regulation cancels the letter dated May 8, 1975, from the Administrator of General Services to the Administrator of the Environmental Protection Agency related to the above delegation.

ARTHUR F. SAMPSON, *Administrator of General Services.*

JUNE 27, 1975.

[FR Doc.75-17584 Filed 7-7-75;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-345]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective June 18, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205 (d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kentucky Public Service Commission (Case No. 6232) involving the application of the South Central Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON, *Administrator of General Services.*

JUNE 27, 1975.

[FR Doc.75-17581 Filed 7-7-5;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-347]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Utah Public Service Commission (Case No. 7113) involving the application of Mountain Fuel Supply Company for general increases in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75-17580 Filed 7-7-75;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-346]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective June 16, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission (File No. 19384) involving the application of the Savannah Electric and Power Company for an increase in electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75-17582 Filed 7-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

BOSTON EDISON CO., ET AL.

Availability of Safety Evaluation Report for Pilgrim Nuclear Generating Station (Unit 2)

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Pilgrim Nuclear Generating Station, Unit 2, to be located on the western shore of Cape Cod Bay and south of Plymouth Bay in the Town of Plymouth, Plymouth County, Massachusetts. Notice of receipt of the application to construct and operate the Pilgrim Nuclear Generating Station, Unit 2 was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786) for the following applicants: Boston Edison Company, Burlington Electric Department, Central Maine Power Company, Central Vermont Public Service Corporation, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, New England Power Company, Public Service Company of New Hampshire, Montaup Electric Company, New Bedford Gas and Edison Light Company, The United Illuminating Company, Western Massachusetts Electric Company, Ashburnham Municipal Light Plant, Town of Braintree Electric Light Department, City of Holyoke Gas and Electric Department, Town of Hudson Light and Power Department, Marblehead Municipal Light Department, Town of Middleboro Gas and Electric Department, Middleton Municipal Light Department, North Attleborough Electric Department, Paxton Municipal Electric Light Department and Templeton Municipal Lighting Plant.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Plymouth Public Library, North Street, Plymouth, Massachusetts for inspection and copying.

The report (Document NUREG-75/054) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 1st day of July, 1975.

For the Nuclear Regulatory Commission.

A. W. DROMERICK,
Acting Chief, Light Water Reactors Project Branch 1-1, Division of Reactor Licensing.

[FR Doc.75-17641 Filed 7-7-75;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE (LACROSSE BOILING WATER REACTOR)

Hearing on Application for Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "rules of practice", notice is hereby given that a hearing will be held concerning the LaCrosse Boiling Water Reactor (the facility) of the licensee, Dairyland Power Cooperative. The hearing will consider the application of the licensee to modify the irradiated fuel storage pool at the facility by adding additional storage racks for irradiated fuel and shrouds in accordance with licensee's proposal dated December 12, 1974, and will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board) named herein, to begin in the vicinity of the facility located in Vernon County, Wisconsin. Operation of the facility was authorized by Provisional Operating License No. DPR-45.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Frederic J. Coufal, Chairman, Frederick J. Shon and Dr. James C. Lamb, III.

A notice entitled "Notice of Consideration of Proposed Modification to Facility Irradiated Fuel Storage Pool" was published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11650). The notice provided that, by April 11, 1975, any person whose interest might be affected by the proceeding might file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. Petitions for leave to intervene were filed by Society Against Nuclear Energy and Dave S. Simpson. A public hearing will be held. Society Against Nuclear Energy and Dave S. Simpson have been admitted as parties to the proceeding.

A Prehearing Conference will be held by the Board, on July 15, 1975, at 1:30 p.m. in the United States District Courtroom, Second Floor, Federal Building and U.S. Courthouse, 510 South Barstow Commons, Eau Claire, Wisconsin 54701, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the date and place of the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensee's proposal dated December 12, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin. When issued, the

Commission's Safety Evaluation may be inspected at the same locations, and a copy may be obtained on request from U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. A person desiring to make a limited appearance is requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555; on or before August 7, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions within the scope of the hearing as specified above which he would like to have answered. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) on or before July 22, 1975.

Papers required to be filed in this proceeding may be filed by mail or by telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file with the Commission, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each paper.

Dated at Bethesda, Md., this 1st day of July, 1975.

It is so ordered.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.75-17642 Filed 7-7-75;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., CENTRAL IOWA POWER COOPERATIVE, AND CORN BELT POWER COOPERATIVE (DUANE ARNOLD ENERGY CENTER)

Order for Modification of License

I.—Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (licensees) are the holders of Facility Operating License No. DPR-49 which authorizes operation of the Duane Arnold Energy Center (the facility) at steady-state reactor core power levels not in excess of 1658 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located at the licensees' site near Palo in Linn County, Iowa.

II.—1. On May 21, 1975, the Nuclear Regulatory Commission (NRC) issued an Order for Modification of License [1] restricting facility operation to core power levels not exceeding 50 percent of rated core power and core flow rates not exceeding 50 percent of design flow rate. As discussed in the May 21, 1975 Order, this action was taken as a result of indications of possible damage to fuel element channel boxes.

The reduction in power and core flow were designed to reduce flow through core plate bypass holes sufficiently to reduce excessive vibration of the instrument thimbles in the bypass region. This, in turn, would reduce further channel box damage.

2. After discussion with the NRC staff on May 29, 1975, the licensees agreed to undertake a program of test, inspection and, if necessary, repair. The licensees agreed to operate the facility at full power for test purposes for a limited 72-hour period, to shut down the facility immediately thereafter, to remove fuel elements from the core and to inspect the channel boxes for damage. Depending on the results of the inspection, the licensees agreed to make appropriate repairs, including plugging of the bypass flow holes and to submit safety analyses assessing the return to power operation with plugged bypass holes and any other changes made as a result of the inspection. The plant would resume power operation only after review of the safety analyses assessing operation with plugged bypass holes and authorization by the NRC.

3. Upon completion of the program of tests approved by the NRC staff's letter dated June 2, 1975, the reactor was shut down on June 6, 1975 and visual inspection of the channel boxes was performed. Inspection of the first four channel boxes showed unacceptable wear in the corners of the channel boxes adjacent to the instrument thimble. As a result of these observations, the licensees by letter of June 13, 1975 to the NRC staff, requested authorization to install core bypass flow plugs in the lower core plates as described in the enclosure to the licensees' letter of June 6, 1975 to the NRC staff, and supplied analyses to demonstrate the adequacy of such plugs and the adequacy of the procedures for plug installation.

4. On June 18, 1975, the NRC issued an Order that, consistent with the understanding described in paragraph 3, authorized the installation of bypass hole plugs in the lower core plate. As discussed in the June 18, 1975 Order, the NRC staff concluded that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes. The June 18 Order also added a condition to license DPR-49 that stated that the reactor shall not operate without authorization by the Office of Nuclear Reactor Regulation.

5. By letters dated June 10, 1975, June 16, 1975, and June 24, 1975, the licensees submitted analyses, including an emergency core cooling performance analysis, for reactor power operation with the plugs installed in the bypass holes. In is tletter dated June 25, 1975, theliits letter dated June 25, 1975, the licensees requested authorization to operate the reactor with plugs installed in bypass flow holes.

6. The NRC staff has reviewed the analyses submitted by the licensees on June 10, 16, and 24, 1975, to support operation with bypass flow plugs installed. As discussed in the NRC's Safety Evaluation, Duane Arnold Energy Center Operation with Plugged Bypass Flow Holes, dated June 30, 1975, the proposed operation with plugs will require that certain modifications be made to earlier restrictions set forth in the December 27, 1974 Order for Modification of License [2] relating to the emergency core cooling performance. In this regard, it is appropriate to replace the original Appendix A to the December 27, 1974 Order with a revised Appendix A listing restrictions for operation with bypass flow plugs installed. All other provisions of the December 27, 1974 Order remain in full force and effect. It should also be noted that plugs identical to those installed in the Duane Arnold reactor have previously been installed in both the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. After ten months of successful service, the plugs in the Vermont Yankee reactor were removed at the time that the temporary curtains were removed.

7. Based on a review of the licensees' submittals of June 10, 16, and 24, 1975, and the prior related experience at the Pilgrim and Vermont Yankee reactors, the NRC staff concluded in its June 30, 1975 Safety Evaluation that operation of the Duane Arnold reactor in accordance with the additional restrictions set forth in Appendix A to the Safety Evaluation will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this order.

8. Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and are being placed in the Com-

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[1] See Order for Modification of License, "In the Matter of Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative" (Duane Arnold Energy Center), Docket No. 50-331 dated May 21, 1975 (40 FR 23782, June 2, 1975).

[2] See Order for Modification of License, "In the Matter of Iowa Electric Light and Power Company" (Duane Arnold Energy Center), Docket No. 50-331, dated December 27, 1974 (40 FR 1763, January 9, 1975).

mission's Local Public Document Room, Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa: (1) The licensees' letters of June 6, 1975, June 10, 1975, June 13, 1975, June 16, 1975, June 24, 1975, and June 25, 1975; (2) the NRC letter of June 2, 1975 and the NRC staff Safety Evaluation of Duane Arnold Energy Center Operation with Plugged Bypass Flow Holes dated June 30, 1975, and the documents referenced therein.

III.—Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* That:

1. The Order for Modification of License dated December 27, 1974 be amended by replacing Appendix A of that Order with Appendix A attached to this Order dated June 30, 1975. All other provisions of the December 27, 1974 Order shall remain in full force and effect.

2. Operation of the Duane Arnold Energy Center with plugged bypass flow holes is hereby authorized subject to the restrictions set forth in the Order for Modification of License, dated December 27, 1974 as amended by paragraph 1, above.

Dated at Bethesda, Md., this 30th day of June 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

APPENDIX A—DUANE ARNOLD ENERGY CENTER OPERATING RESTRICTIONS

There are two limitations on the continued operation of the reactor for the remainder of Cycle 1. These are the limiting assembly maximum average planar linear heat generation rate, MAPLHGR, and the minimum critical power ratio limit related to boiling crisis, MCPR. Operation shall conform to a MCPR value of 1.34 as proposed by the licensee. The limiting value of MAPLHGR included with the proposed Technical Specifications submitted on August 9, 1974 have been revised to account for the staff requirements of December 27, 1974 and the proposed operation with plugged bypass holes. The revised values are given in Figures A-1 and A-2 for fuel types 1, 2, and 3. The limiting MAPLHGR for the four replacement fuel assemblies is 9.0 kw/ft.

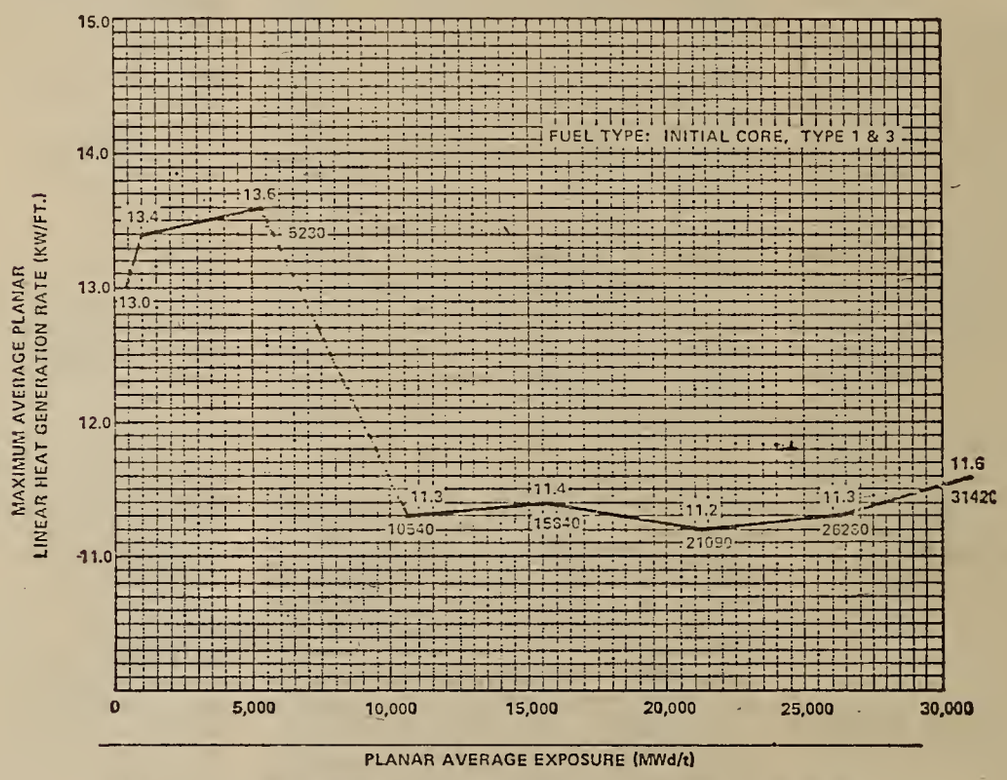

FIGURE A-1
MAXIMUM AVERAGE PLANAR LINEAR HEAT GENERATION RATE VERSUS PLANAR AVERAGE EXPOSURE

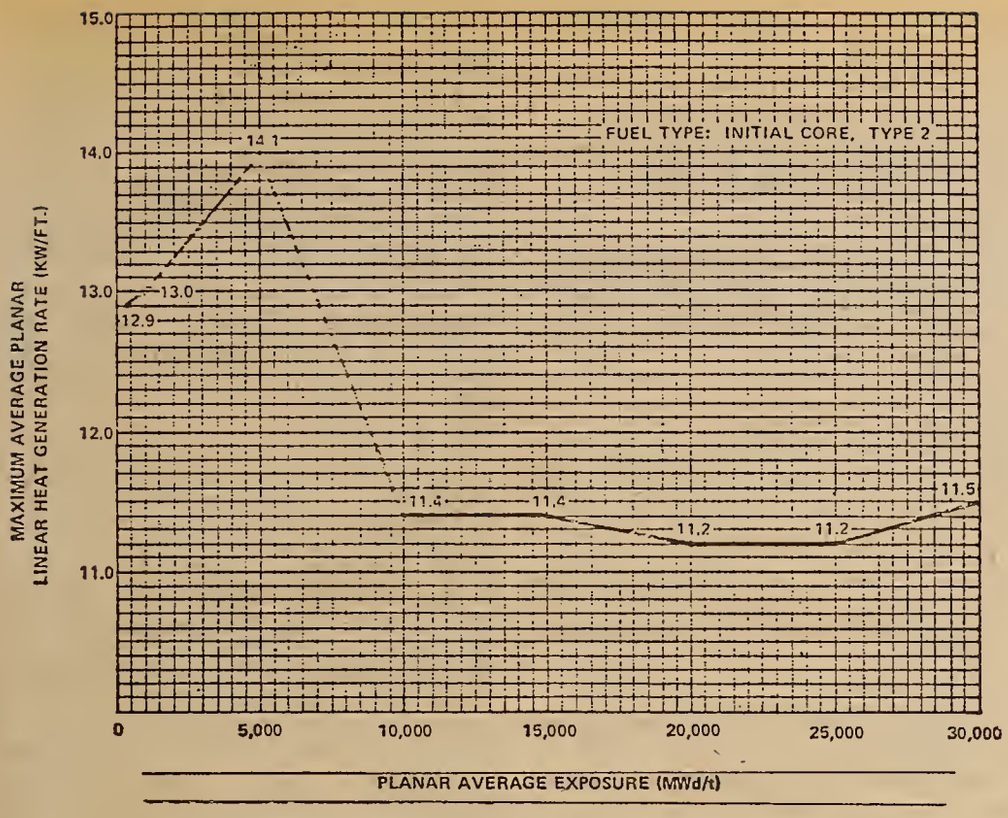

FIGURE A-2
MAXIMUM AVERAGE PLANAR LINEAR HEAT GENERATION RATE VERSUS PLANAR AVERAGE EXPOSURE

[FR Doc.75-17539 Filed 7-7-75;8:45 am]

[Dockets Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO. (FULTON GENERATING STATION UNITS 1 AND 2)

Special Prehearing Conference

Notice is hereby given that the Special Prehearing Conference previously scheduled to be held on June 18, 1975, will be held on Thursday, July 10, 1975 at 11:00 a.m., at the Lancaster County Courthouse, Courtroom No. 3, at Duke and East King Streets, Lancaster, Pennsylvania.

The Conference will deal with the matters set forth in the Board's Notice of May 2, 1975, to wit, a consideration of the current status of discovery procedures in the case. The attention of the parties is specifically called again to the Board's directive that the parties consult prior to the Conference with a view toward a possible resolution of the pending objections on discovery.

Dated at Bethesda, Md., this 1st day of July 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.75-17564 Filed 7-7-75;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO.

Issuance of Amendment to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permits CPPR-120 and CPPR-121 issued to Public Service Electric & Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 & 2, located on the Permittees' site on Artificial Island in Lower Alloways Greek Township, Salem County, New Jersey. Amendment No. 1 is effective as of the date of issuance.

The amendment changes the operable date for the audible signal (a siren for emergency alarm use) as specified in Condition 3E(10)d of CPPR-120 and CPPR-121 from July 1, 1975 to August 1, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action see (1) the application for amendment, dated June 30, 1975, (2) Amendment No. 1 to CPPR-120 and Amendment No. 1 to CPPR-121, and (3) the Commission's related Staff Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of July 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactor Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-17643 Filed 7-7-75;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 2, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 2, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 27th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-17566 Filed 7-7-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to the Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The licensee is presently licensed to operate the facility, a boiling water reactor, at power levels up to 1593 MWt using a mixture of 8 x 8 and 7 x 7 fuel assemblies in the core.

The amendment would revise the provisions in the facility Technical Specifications to permit operation of the facility (1) with 8 x 8 fuel assemblies at a linear heat generation rate of up to 14.4 kw/ft, (2) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (3) using modified operating limits based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Vermont Yankee, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46. This action is in accordance with the licensee's applications dated April 14, 1975 and May 28, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By August 7, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C. 20555, and to John A. Ritsher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he

may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the applications for amendment dated April 14, 1975 and May 28, 1975, (2) the non-proprietary General Electric Report NEDO-10958 on GETAB, (3) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO-10958), and (4) the Commission's Order for Modification of License dated December 27, 1974 and the documents referred to in the Order (published in the FEDERAL REGISTER on January 9, 1975, 40 FR 1778). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street in Brattleboro, Vermont 05301. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-17565 Filed 7-7-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

INTERNAL PERSONNEL AND PRACTICES

Meetings

JUNE 26, 1975.

Notice is given hereby, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held June 30, July 1-5, July 7-12, July 14-19, July 21-26, July 28-31, 1975. During the course of these meetings, the Presidential Clemency Board will meet both as a whole and in panels of no less than three members each. All meetings begin at 9:00 a.m., at 2033 M Street, NW., Washington, D.C.

These meetings will not be open to the public since the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552-(b)(2), and it will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the fifteen day notice provision has been granted by the Director, Office of Management and Budget, under OMB Circular No. A-63, as revised, pertaining to the Federal Advisory Committee Act of 1972 because of the emergency situation arising out of the Board's unusual workload.

CHARLES E. GOODELL,
Chairman.

[FR Doc.75-17708 Filed 7-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3774]

CHANNING INCOME FUND, INC., ET AL.

Application for an Order Exempting a Proposed Transaction

JUNE 27, 1975.

Notice is hereby given that Channing Income Fund, Inc. ("Income"), Channing Securities, Inc. ("Securities") and Channing Shares, Inc. ("Shares"), (collectively "Applicants"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed merger of Income and Securities into Shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Income was incorporated in Maryland on September 17, 1952 and is authorized to issue one class of shares. It had net assets of $60,636,330 on November 30, 1974. Securities was incorporated in Maryland on October 9, 1973 as successor to a Delaware corporation incorporated in 1946. It issues two classes of shares, Channing American Fund ("American") and Channing Special Fund ("Special"), which had net assets of $16,902,466 and $42,674,142, respectively, on such date. Shares was incorporated in Maryland on October 9, 1973, as successor to a Delaware corporation incorporated in 1936. It issues two classes of shares, Channing Balanced Fund ("Balanced") and Channing Growth Fund ("Growth"), which had net assets of $51,715,121 and $142,850,689, respectively, on such date. American General Capital Management, Inc. ("Manager"), American General Capital Distributors, Inc. ("Distributor") and American General Capital Services, Inc., all wholly owned subsidiaries of American General Insurance Company, act, respectively, as investment manager, National Distributor of the shares, and transfer, dividend disbursing and shareowner service agent of each of the Applicants. The Board of Directors and the officers of each Applicant, with the exception of the fund manager (the individual appointed by the investment manager to manage a particular fund portfolio), are identical. Each employs the same custodian and auditors. Accordingly, each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Applicants propose to enter into an agreement of merger under which Income and Securities are to be merged into Shares in the following manner: Shares, which will be renamed "American General Shares, Inc.", will be the surviving corporation ("Surviving Corporation") and the separate existence of Income and Securities shall cease; Special will be merged into Growth, which will be renamed "American General Capital Growth Fund" ("General Growth") and will constitute one of the two classes of shares issued by the Surviving Corporation; and American and Income will be merged into Balanced, which will be renamed "American General Income Fund" ("General Income"), and will constitute the other class of securities to be issued by the Surviving Corporation.

The adoption of the Plan and Articles of Merger ("Plan") requires the affirmative vote of at least a majority of the outstanding voting securities of each class of shares of each of the Applicants. Since the shareowners of Shares will be asked to vote on certain matters concerning Shares—namely the adoption of a new investment advisory agreement and the authority of Shares to redeem certain shareowner accounts—at the same time as they will be asked to vote on the merger, and since proxies will be solicited from shareowners of Income and Securities in connection with the merger prior to the vote by the shareowners of Shares on the merger and the other matters which will affect the Surviving Corporation, the merger will be conditioned on the shareowners of Shares adopting these proposed changes, and the proxy material to be submitted to the shareholders of Income and Securities will state that since the merger is conditioned on approval of the proposed changes, they would be applicable to the Surviving Corporation. Shareowners of Income and Securities are also being asked to approve new advisory agreements. However, as noted above, if the merger is effected, the new advisory agreement proposed for Shares would constitute the advisory agreement for the Surviving Corporation regardless of the outcome of the votes on the new advisory agreements being proposed for Income and Securities. The advisory agreements to be proposed are virtually identical for each corporation.

The proposed merger is also contingent on the receipt of an opinion of counsel to the effect that the merger will constitute a tax-free reorganization.

Each fund, immediately preceding the merger, will distribute all of its net realized income, in shares or cash, at the prior election of the shareowners.

On the effective date of the merger, the outstanding shares of Special will be converted in that number of full and fractional shares of General Growth as shall have an aggregate net asset value, as of the close of the last business day preceding the effective date of the merger, equal to the aggregate net asset value of each shareowner's interest in Special. Similarly, on the effective date of the merger, the outstanding shares of American and of Income will each be converted into that number of full and fractional shares of General Income as shall have the same net asset value per share, as of the close of business on the

last business day preceding the effective date of the merger, as the shares of American and Income respectively.

In the computation of each Applicant's net asset value, no adjustment will be made to compensate for any potential Federal income tax impact on the shareowners of Applicants which might result from differences in realized and unrealized capital losses which might exist in different proportions in the respective portfolios. As of November 30, 1974, Special had a capital loss carryforward of $98,974,403 and Growth had a capital loss carryforward of $117,614,-330. These amounts would be available until expiration to offset future realized capital gains of General Growth for Federal tax purposes. In addition, Special had $6,170,869, and Growth $25,561,-016, of unrealized depreciation on their respective portfolios which would be carried over in the merger, subject to market changes in the interim. American had a capital loss carryforward of $9,764,098, of which approximately $6,385,720 would be available to General Income following the merger, Income had a capital loss carry forward of $14,519,-261, all of which would be available to General Income, which would also have its own, i.e. Balanced's capital loss carryforward of $8,264,523. In addition, American, Balanced, and Income had unrealized depreciation on their respective portfolios of $3,010,541, $12,135,211, and $13,642,454, respectively, all of which would be carried over in the merger, subject to market changes in the interim. Applicants assert, therefore, that the rationale for use of a tax adjustment formula is not applicable in this particular merger because the different proportions of capital loss carryforwards and unrealized depreciations of American, Balanced and Special to their respective net asset values would be of no practical value to shareowners of the Surviving Corporation. Applicants further assert that since the tax effects of the merger will be borne not by the respective Applicants but by their shareowners, and as the effect on a particular shareowner is dependent on a variety of personal factors such as the individual's capital gains tax rate, cost basis, the time shares are ultimately redeemed, as well as the Surviving Corporation's future pattern of realization and distribution of gains, a tax adjustment cannot be demonstrated to result in fairer treatment to the respective shareowners than not making an adjustment.

Historically, Balanced and Growth have, in the process of computing the offering and redemption prices of their shares pursuant to a provision of Shares' Articles of Incorporation, added to their respective net asset values a charge of 0.6 percent for estimated brokerage commissions. Since American, Income and Special have no such added charge in computing offering and redemption prices, the net asset values for purposes of exchanges in the merger will not include such a charge. Following the merger, such a charge will no longer be made in computing the offering and redemption prices of shares of the Surviving Corporation.

Both Growth and Special invest principally in common stocks. Growth's primary objective is to provide its shareowners with a diversified holding of securities, primarily issued by companies which appear to offer marked possibilities for long-term capital appreciation. Generation of current income is a secondary consideration. Special's predominant investment objective is growth of shareowners' capital. Current income is only an incidental consideration, completely subordinate to the objective of growth of capital. Special will frequently concentrate its investments in rapidly expanding fields of endeavor characterized by either new products or new services. It may often invest in smaller, lesser known companies. The investment restrictions of the two funds differ in that: (a) Growth is limited to securities of issuers with a minimum of $1 million in gross assets, (b) Growth can purchase the liquid securities of real estate investment trusts (while Special is barred from dealing in real estate), and (c) Growth can buy securities of other investment companies in connection with a plan of merger, consolidation, or acquisition of substantially all of the assets of such company.

Applicants assert that although Special has a somewhat more aggressive approach than Growth, taking investments for shorter periods, there are large overlapping positions in their portfolios and their investment outlooks are similar. In the opinion of the Manager, all of the securities in Special's portfolio are consistent with Growth's investment policies and no sale of portfolio securities would be required as a result of the acquisition.

The primary investment objective of American is long-term growth of principal, with the production of current income as an important secondary consideration. A balance between long-term growth of capital, reasonable current income and preservation of capital is the objective of Balanced. Income's primary objective is to obtain the highest possible income with due regard for the need to protect capital values with growth of income and capital an important secondary consideration. Applicants contend that there is a substantial overlap of investment objectives among the three funds. Applicants believe that the investment objective of Income is the most stable and the most salable. For tax reasons, however, Balanced, renamed General Income, will be the surviving entity, although, as part of the merger transaction General Income will adopt Income's investment objectives, goals, policies and restrictions. The merger would result in the following changes in the restrictions applicable to investments by the merging funds: (a) the requirement that Balanced maintain 25 percent of its assets in fixed-income securities would be dropped. However, Income, whose objectives would be adopted by the surviving entity has generally had an equal or higher percentage of fixed-income securities to that maintained by Balanced; (b) the power of Income and Balanced, but not American, to buy the liquid securities of real estate investment trusts would be applicable to the surviving entity; (c) Balanced's requirement that each issuer in which it invests have a minimum of $2 million in gross assets, would not be applicable, but General Income would probably invest in issuers of at least this size; (d) securities of other investment companies could be acquired by General Income only in the case of mergers, consolidations, or acquisitions of substantially all of the assets of such companies whereas such acquisitions were prohibited to American while more liberally permitted to Balanced; (e) Income's authority to redeem in kind (which has never been used) would not be made applicable to General Income; and (f) General Income would be authorized to lend up to 10 percent of its portfolio securities on 100 percent collateral, marked to market, an authority which none of the three merging funds now has. Applicants assert that while Income is more income-oriented, American more growth-oriented and Balanced in the middle, their investment outlooks substantially overlap and many of their securities positions are held in common among the portfolios. In the opinion of the Manager, no sales of portfolio securities presently held by these funds would be necessitated by the proposed reorganization as such investments are consistent with the investment policies proposed for General Income.

The Applicants presently have substantially identical advisory agreements with the Manager. In addition to voting on the proposed merger, shareowners of each fund will also vote on a proposed new investment advisory agreement with the Manager. As indicated above, the merger is contingent upon approval of this new advisory agreement by shareowners of Shares, the Surviving Corporation. The principal difference between the proposed agreements and the existing agreements is that, while the investment advisory fee would remain the same, the percentage which each fund's ordinary business expenses, excluding taxes, interest and brokerage commissions bears to its average daily net assets for any fiscal year, above which the Manager is required to reduce or eliminate its advisory fee by the amount of the excess, would be raised from 1 percent to the maximum percentage permitted by the most restrictive rules and regulations of any State or jurisdiction where such fund's shares are registered for sale. At present, the most restrictive State regulation requires reimbursement of ordinary business expenses exceeding 1½ percent of average daily net assets.

Under the existing agreement, the advisory fees for the year ending November 30, 1974, were $87,502 for American, $303,465 for Balanced, $810,696 for Growth, $340,368 for Income and $170,-153 for Special. The American fee was reduced by $7,559 and the Special fee by $96,646 by reason of the 1 percent expense limitation. Had the proposed agree-

ment been in effect, there would have been no reduction.

The proposed merger is also contingent upon the approval by shareowners of Shares of an amendment to its Articles of Incorporation to authorize the fund to call for redemption shares held in shareowner accounts having a value of less than $50. Accounts established within one year or in which purchases (other than reinvestments) had been made within six calendar months would not be subject to redemption. Shareowners would be given an opportunity to avoid such redemption by the purchase, at net asset value (without sales charge), of a number of additional shares having a value equal to the difference between the value of their account and $50. A determination to effect such redemptions would require a resolution of the fund's Board of Directors concurred in by a majority of the Directors who are not interested persons. The initial redemption by the fund would be made only after the shareowners had three months' opportunity to buy additional shares to bring their accounts up to $50. On any subsequent redemptions, shareowners would be given six months to purchase additional shares. The fund's prospectus would be amended to disclose the existence of any charter provision authorizing the fund to call its shares. Any power to call shares would not be used for at least two years following notice of the initial use of such power.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed merger are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of the Surviving Corporation will be issued for shares of the merged entities on the basis of the respective net asset values of each determined at the close of business on the last business day preceding the effectiveness of the merger. Applicants state that shareowners of Income and Securities will be fully apprised of the fact that if the merger is approved the Surviving Corporation will be authorized to redeem shareowner accounts having a value up to $50 and will have a new advisory agreement with the Manager containing a raised expense limitation, and shareowners of American and Income will be fully apprised of the investment policies of General Income, including in particular, the authority to lend portfolio securities. Applicants state that the merged entity will benefit from the elimination of certain duplications in the areas of auditing, accounting, legal, directors' fees, qualification of shares for sale, preparation and printing of shareowner reports, prospectuses and proxy material, and possible savings in brokerage commissions and custodian fees, which cannot be estimated. Because the expense ratio of Special is higher than that of Growth, the Surviving Corporation is expected to have a somewhat higher expense ratio for 1975 (0.90 percent of average net assets, or $.0378 per share) than would Growth alone (0.86 percent, or $.0349 per share). While direct savings for 1975 are estimated at $25,000 on the merger of American and Income into Balanced, only the substantially higher expense ratio of American would be reduced. Balanced and Income's ratios would not be significantly affected, although further savings in the areas of custodian fees and brokerage might be realized. However, in view of the large redemptions and erosion of capital being suffered by each of the funds, with concurrently escalating expenses, and the recommendations of the Manager and the Distributor that a single growth and a single income fund would be more stable and could be better promoted and more efficiently managed, Applicants assert that the slight increase of expenses is not significant. Applicants therefore assert that the proposed merger is consistent with the general purposes of the Act.

The cost of solicitation, including the printing and mailing of the proxy materials, will be borne by the respective funds to the extent of the costs incurred in the 1974 annual meetings of the fund corporations. In addition, Growth and Special, and Balanced, American and Income will bear on a pro rata basis, the registration fees paid by Growth and Balanced, respectively, to the Commission for shares to be issued in the proposed merger. Any expenses in excess thereof will be borne by the Manager.

Notice is further given that any interested party may, not later than July 23, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17659 Filed 7-7-75;8:45 am]

[File No. 500-1]

NATIONAL TELEPHONE COMPANY, INC.

Suspension of Trading

JUNE 30, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and 9% convertible subordinated debentures due 1993 of National Telephone Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m., (e.d.t.) on June 30, 1975 through midnight (e.d.t.) on July 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17660 Filed 7-7-75;8:45 am]

[File No. 500-1]

RICHARDS AIRCRAFT SUPPLY CO., INC.

Suspension of Trading

JUNE 30, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Richards Aircraft Supply Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:15 a.m. (e.d.t.), on June 30, 1975 through midnight (e.d.t.), on July 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17661 Filed 7-7-75;8:45 am]

[812-3772]

RICHARD S. STRONG

Application for an Order Declaring Presumption of Control Created by That Section Rebutted by Evidence

JUNE 30, 1975.

NOTICE IS HEREBY GIVEN that Richard S. Strong has filed an application on March 3, 1975, for an order of the Commission, pursuant to section 2(a)(9) of the Investment Company Act of 1940 ("Act"), declaring that he does not control Nicholas Company, Inc. ("Adviser") by reason of his ownership of approximately 42.75 percent of its shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Strong and Albert O. Nicholas founded Adviser, then known as Nicholas Strong Company, Inc., in 1967 and registered the Adviser as an investment adviser under the Investment Advisers Act of 1940. Nicholas has owned approximately 52 to 55 percent of the outstanding capital stock of the Adviser since its creation and Strong has owned approximately 42.75 to 45 percent. At the present time, Strong owns 855 shares of the capital stock of the Adviser, or about 42.75 percent of the total number of outstanding shares. The shares not owned by Strong or Nicholas are owned by employees of the Adviser.

In addition to performing investment advisory services for a number of individuals and institutions, the Adviser has sponsored Nicholas Fund, Inc. ("Fund") (until June, 1974, the Fund was known as Nicholas Strong Fund, Inc.), an open-end company registered under the Act. Since the Fund's inception in July, 1969, the Adviser has served as investment adviser to the Fund.

Section 2(a)(9) of the Act provides, in pertinent part, that any person who owns beneficially more than 25 percentum of the voting securities of a company shall be presumed to control such company. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary is made by the Commission.

Strong states that in the Spring of 1973, he and Nicholas began to have serious differences of opinion concerning investment philosophy and the business of the Adviser. Nicholas requested that Strong resign his positions as Vice President, Secretary and Director of the Adviser and as Director and Officer of the Fund. Strong refused and was removed as an officer of the Adviser at a special meeting of the Board of Directors of the Adviser on August 9, 1973, and as a director at a special meeting of the shareholders held on August 15, 1973. On August 21, 1973, Strong resigned from his position as a director and officer of the Fund.

Strong alleges that, aside from his position as a minority stockholder of the Adviser, he has had no position with or participation in the affairs of either the Adviser or the Fund since his removal as officer and director and has not been consulted with regard to their affairs. In addition, Strong states that because the Adviser is a "Subchapter S" corporation within the meaning of the Internal Revenue Code, he was required to pay income taxes totalling $15,025 on his proportionate share of the Adviser's net income for the fiscal year ending October 31, 1973, even though he did not actually receive a cash dividend payment for that year. Strong claims that the evidence demonstrates that Nicholas is solely in control of the Adviser and rebuts the statutory presumption that Strong controls the Adviser.

Notice is further given that any interested person may, not later than July 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Richard S. Strong at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 25, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17662 Filed 7-7-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JULY 1, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 2, 1975 through July 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17663 Filed 7-7-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-5156]

AMERICAN INDIAN INVESTMENT OPPORTUNITIES, INC.

Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that American Indian Investment Opportunities, Inc., (Licensee), 555 Constitution Street, Norman, Oklahoma 73069, a small business investment company licensed by the Small Business Administration (SBA) under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to 13 CFR. 107.1004 (1975) for approval of a conflict of interest transaction.

Oklahoma Indian Development Corporation (OIDC), 555 Constitution Street, Norman, Oklahoma 73069, is in the process of acquiring the assets of Moore Hat Company of Lawton, Oklahoma for operation as a for profit corporation and employer of American Indians and other socially and economically disadvantaged persons. In connection with this acquisition, OIDC has negotiated with a Lawton bank a revolving line of credit in the amount of $150,000 which will be needed for operation of the assets acquired because of the seasonal nature of the business. The line of credit is conditioned upon $40,000 of certificates of credit being pledged with the bank.

Licensee proposes to purchase certificates of deposit from the bank in the amount of $40,000 and to pledge such certificates to the bank for the benefit of OIDC. The income from these certificates will inure to the benefit of the licensee in the same manner as an investment of idle funds.

The transaction comes within the purview of 13 CFR 107.1004 by virtue of the fact that OIDC is a wholly-owned subsidiary of Oklahomans for Indian Opportunity, a nonprofit corporation located at 555 Constitution Street, Norman, Oklahoma 73069 and principal stockholder of the licensee.

Notice is hereby given that any person may, on or before July 23, 1975, submit written comments to SBA on the proposed transaction.

Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after expiration of the comment period, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

A copy of this notice shall be published in a newspaper of general circulation in Lawton, Oklahoma.

Dated: June 27, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-17651 Filed 7-7-75;8:45 am]

[License No. 09/09-0186]

ARIZONA FIRST SMALL BUSINESS INVESTMENT CO.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBICs) (13 CFR 107.102 (1975)), under the name of Arizona First Small Business Investment Company (AF SBIC), 231 North Alma School Road, Mesa, Arizona 85201, for a license to operate in the State of Arizona as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Brian W. Hendrickson, 1723 S. Don Luis Cr., Mesa, Arizona 85202, President, Director, 9 percent.

Glen Wiltsey, 5188 E. Calle de Norte, Phoenix, Arizona 85018, Vice President, Director, 1 percent.

Marilynn D. Taylor, 839 E. 8th Street, Mesa, Arizona 85203, Secretary, Treasurer.

Michael Gilchrist, 2417 East Alameda Drive, Tempe, Arizona 85282, Director, 1 percent.

Chase Management Corp., 231 North Alma School Rd., Mesa, Arizona 85201, General Manager.

The company will begin operations with an initial capitalization of $1,000,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns with growth potential, located primarily in the State of Arizona.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than July 23, 1975, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice was published in a newspaper of general circulation in Phoenix, Arizona.

Dated: June 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-17652 Filed 7-7-75;8:45 am]

[Declaration of Disaster Loan Area #1152]

KANSAS

Declaration of Disaster Area

Chautauqua, Thomas and adjacent counties within the State of Kansas, constitute a disaster area because of damage resulting from high winds, tornadoes and flooding on June 16-19, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 28, 1975, and for economic injury until the close of business on March 29, 1976, at:

Small Business Administration, District Office, 120 South Market Street, Wichita, Kansas 67202.

or other locally announced locations.

Dated: June 27, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-17649 Filed 7-7-75;8:45 am]

[Declaration of Disaster Loan Area No. 1151]

MISSOURI

Declaration of Disaster Area

Butler and adjacent counties within the State of Missouri constitute a disaster area because of damage resulting from high winds and tornado which occurred on June 5, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 25, 1975, and for economic injury until the close of business on March 24, 1976, at:

Small Business Administration, District Office, 210 North 12th Street, Room 520, St. Louis, Missouri 63101.

or other locally announced locations.

Dated: June 24, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-17650 Filed 7-7-75;8:45 am]

UNITED STATES INFORMATION AGENCY

ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on August 4, 1975. The session will commence at 9:30 a.m. in Room 660 at 1776 Pennsylvania Avenue, NW., Washington, D.C. The subject of the meeting is "The Policy Office."

This session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning topic set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,
Chief, Management Division.

[FR Doc.75-17587 Filed 7-7-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 4(a) of Executive Order 11807 of 1974, Occupational Safety and Health Programs for Federal Employees, will meet on Wednesday, July 30 starting at 9:30 am, in Room S3215 ABC, New Labor Department Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for reports on:

I. Reimbursement of OSHA services rendered to Federal agencies and employee unions.

II. Coverage of non-appropriated fund activities.

III. Status Reports:

A. Budget for field Federal safety and health councils.

B. OSHA Regional Federal safety and health activities.

C. Council's Standing Committee on Accident Reporting Recommendations.

D. Expansion of Subpart F, 29 CFR Part 1960, Field Federal Safety and Health Councils.

E. Proposed new subpart—Safety and Health Training Guidelines for Federal Agencies.

IV. 30th Annual Federal Safety and Health Conference.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. Such data may be filed, together with 20 copies thereof, with the Office of Federal Agency Safety Programs by the close of business on July 28. Any such submissions will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations related to agenda items. Persons wishing to orally address the Council at the meeting, should submit a written request to be heard, together with 20 copies thereof, by the close of business July 28. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation and an estimate of the amount of time needed.

Communications should be addressed to:

Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Room N3673, Department of Labor, OSHA, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7111.

Signed at Washington, D.C., this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17633 Filed 7-7-75;8:45 am]

STANDARDS COMPLETION PROJECT

Availability of Draft Technical Standards

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables Z–1, Z–2, and Z–3 of 29 CFR 1910.1000 (formerly Tables G–1, G–2, and G–3 of 29 CFR 1910.-93), with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subject of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.1000 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of each substance, employee training, recordkeeping, sanitation, and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA standards. The exposure limits listed in § 1910.1000 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

Drafts of the technical content of proposed standards for the following substances, designated Set F, Standards Completion Project, have been prepared:

2-Butoxy Ethanol
n-Butyl Glycidyl Ether
Cyclohexene
Dipropylene Glycol Methyl Ether
Ethyl Ether
Glycidol
Isopropyl Glycidyl Ether
Methyl Cellosolve
Methylal
Phenyl Glycidyl Ether
Tetrahydrofuran

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards. Copies of the draft technical standards on the above listed substances are available for inspection or for purchase, at the standard copying fee, at the Occupational Safety and Health Administration, U.S. Department of Labor, Room N3620, Second St. and Constitution Ave., NW., Washington, D.C. 20210. Copies are also available at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, 18 Oliver Street, Boston, Massachusetts 02110.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, NE., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Griffin at Young, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, 1961 Stout Street, Denver, Colorado 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, Room 703, State Street, Boston, Massachusetts 02109.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 426, 55 Pleasant Street, Concord, New Hampshire 03301.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617B, 450 Main Street, Hartford, Connecticut 06103.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse Building, 436 Dwight Street, Room 501, Springfield, Massachusetts 01103.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street, Room 1405, New York, New York 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 1435C, Newark, New Jersey 07102.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 203, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530.

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, 605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street, Room 4456, Philadelphia, Pennsylvania 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110–A, 31 Hopkins Plaza, Charles Center, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8015, 400 N. 8th Street, P.O. Box 10186, Richmond, Virginia 23240.

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10, Suite 33, La Vista Perimeter Park, Tucker, Georgia 30084.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 406, 310 New Bern Avenue, Raleigh, North Carolina 27601.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Art Museum Plaza, Suite 4, Jacksonville, Florida 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 554–E, 600 Federal Place, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 204, 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building, Room 600, 118 North Royal Street, Mobile, Alabama 36602.

U.S. Department of Labor, Occupational Safety and Health Administration, Riverside Plaza Shopping Center, 2720 Riverside Drive, Macon, Georgia 31204.

U.S. Department of Labor, Occupational Safety and Health Administration, 1710 Gervais Street, Room 205, Columbia, South Carolina 29201.

U.S. Department of Labor, Occupational Safety and Health Administration, 650 Cleveland Street, Room 44, Clearwater, Florida 33515.

U.S. Department of Labor, Occupational Safety and Health Administration, 57601 55 North Frontage Road East, Jackson, Mississippi 39211.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 10th Floor, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. Third Street, Room 109, Columbus, Ohio 43215.

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 200 Bagley Avenue, Detroit, Michigan 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth Street, Room 437, Minneapolis, Minnesota 55401.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building, Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Strcet, Indianapolis, Indiana 46202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 4028, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734, Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 2118, 2320 La Branch Street, Houston, Texas 77004.
U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower, Suite 1820, 1412 Main Street, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.
U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans, Louisiana 70130.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 512, Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Donaghey Building, 103 East 7th Street, Little Rock, Arkansas 72201.
U.S. Department of Labor, Occupational Safety and Health Administration, 1015 Jackson Keller Road, Room 122, San Antonio, Texas 78213.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 302, Federal Building, 421 Gold Avenue, SW., P.O. Box 1428, Albuquerque, New Mexico 87103.
U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street, Room 1100, Kansas City, Missouri 64108.
U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 554, St. Louis, Missouri 63101.
U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, 221 South Broadway Street, Suite 312, Wichita, Kansas 67202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 643, 210 Walnut Street, Des Moines, Iowa 50309.
U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Harney and 16th Street, Room 803, Omaha, Nebraska 68102.
U.S. Department of Labor, Occupational Safety and Health Administration, 113 West 6th Street, North Platte, Nebraska 69101.
U.S. Department of Labor, Occupational Safety and Health Administration, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525, Petroleum Building, 2812 1st Avenue North, Billings, Montana 59101.
U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, South Dakota 57102.
U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office Building, Room 452, 350 South Main Street, Salt Lake City, Utah 84111.
U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318, Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.
U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
U.S. Department of Labor, Occupational Safety and Health Administration, 1100 E. William Street, Suite 222, Carson City, Nevada 89701.
U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 401, 19 Pine Avenue, Long Beach, California 90802.
U.S. Department of Labor, Occupational Safety and Health Administration, 121 107th Street, NE., Bellevue, Washington 98004.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.
U.S. Department of Labor, Occupational Safety and Health Administration, 228 Idaho Building, 216 North 8th Street, Boise, Idaho 83702.

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10-A22, 5600 Fishers Lane, Rockville, Maryland.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 1114 Commerce Street, Room 1612, Dallas, Texas 75202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, P.O. Box 13716, Philadelphia, Pennsylvania 19108.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, NE., Atlanta, Georgia 30323.
U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second Street, Seattle, Washington 98101.
U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 254 Federal Office Building, 50 Fulton Street, San Francisco, California 94102.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607.

It is anticipated that standards for the above listed substances will be proposed by OSHA in the near future. At that time, a formal comment period will be provided for the proposals. However, interested persons wishing to submit written data, views, and arguments on the draft technical standards at this time may submit them to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Docket SCP-6, Room N3620, Second St. and Constitution Ave., NW., Washington, D.C. 20210. The communications will be available for public inspection and copying at the above location. Information submitted in response to the Notice of Intent to Prepare an Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843), need not be resubmitted.

Signed at Washington, D.C., this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17634 Filed 7-7-75;8:45 am]

Office of the Secretary

[TA-W-64]

AIRCO ELECTRONICS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 26, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Workers, Locals 603 and 604 on behalf of the workers and former workers of Bradford, Pennsylvania plant of AIRCO ELECTRONICS.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon resistors, shielded coil, and capacitors produced by Airco Electronics or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this day of July 1, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17631 Filed 7-7-75;8:45 am]

[TA-W-65]

SHELLER GLOBE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 27, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers, Local 857, on behalf of the workers and former workers of the Portland, Indiana plant of Sheller Globe Corporation.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steering wheels and other automotive parts produced by Sheller Globe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this day of July 1, 1975

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17632 Filed 7-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 805]

ASSIGNMENT OF HEARINGS

JULY 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 42261 Sub 120, Langer Transport Corp., now assigned July 7, 1975 at New York, New York, is canceled and transferred to Modified Procedure.

MC 75226 Sub 8, DeCarli's Express, Inc., now assigned July 22, 1975 at Hartford, Connecticut is canceled and the application is dismissed.

MC 117883 Sub 198, Subler Transfer, Inc., now assigned July 9, 1975, at Pittsburgh, Pa., is canceled and transferred to Modified Procedure.

I & S No. 9046, Increased Fares on Passengers and Vehicles, Lake Michigan, now assigned July 22, 1975, at *Milwaukee, Wis.*, will now commence at *Chicago, Ill.*, in Room 834, Everett McKinley Dirksen Building, 219 S. Dearborn Street, same date.

MC 117574 Sub 252, Daily Express, Inc., now assigned July 15, 1975, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17682 Filed 7-7-75;8:45 am]

[Notice 806]

ASSIGNMENT OF HEARINGS

JULY 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as prompty as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 110420 Sub 719, Quality Carriers, Inc., now assigned October 6, 1975 (1 week), at Chicago, Illinois; in a hearing room to be designated later, instead of now assigned October 10, 1975.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17683 Filed 7-7-75;8:45 am]

[Docket No. AB-6 (Sub.-No. 7; Finance Docket Nos. 27635, 27638]

BURLINGTON NORTHERN INC., ET AL.

Abandonment and Stock Issuance

Order. At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 23d day of June 1975.

Burlington Northern, Inc., abandonment between Brisbin and Gardiner, Park County, Montana, Finance Docket No. 27638; Montana Central Railroad and Recreation Company acquisition and operation, between Brisbin and Gardiner, Park County, Montana, Finance Docket No. 27635; Montana Central Railroad and Recreation Company stock issuance. ance.

Upon consideration of the record in the above-entitled proceeding, including the petition of Montana Central Railroad and Recreation Company, as supplemented by letter petition filed May 7, 1975, seeking (1) reconsideration of the Commission's order, served January 17, 1975, denying consolidation of the above-entitled proceedings, (2) leave to intervene in Docket No. AB-6 (Sub-No. 7), (3) imposition of conditions precedent to Commission approval of the above-described abandonment, and (4) modification of petitioner's applications in Finance Docket Nos. 27635 and 27638; the reply to the petition filed by Burlington Northern, Inc., and the rebuttal statements filed by petitioner;

It appearing, that the petition sets forth no material facts not previously considered by the Commission concerning the concurrent handling and disposition of the above-entitled proceedings, and that no showing has been made warranting reconsideration of said order;

It further appearing, that good cause has not been shown for leave to intervene;

It further appearing, that the relief sought in the balance of the instant petition is relief that is beyond the Commission's power to grant at this time;

It further appearing, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969:

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17684 Filed 7-7-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving

fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2630 (Sub E1), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Texas, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, North Carolina, Virginia, West Virginia, and the District of Columbia, and Steuben County, Ind. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E2), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 2630 (Sub E3), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Indiana, Maryland, Massachusetts, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub No. E4), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E5), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in Oklahoma, Missouri, and Kentucky. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E6), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points on, south and west of a line beginning at the West Virginia-Kentucky State line and extending along Interstate Highway 64 to junction Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E7), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to junction Interstate 77 to junction Interstate Highway 81 to U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E8), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in South Carolina on, south and west of a line beginning at the South Carolina-Tennessee State line and extending along Interstate Highway 26 to junction U.S. Highway 21 to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E9), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Housegoods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in North Carolina west of U.S. Highway 601. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E10), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Housegoods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Kent County, Del., on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction Indiana Highway 46 to junction Indiana Highway 7 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E11), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in New Castle County, Del., on the one

hand, and, on the other, points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction Indiana Highway 58 to junction Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E13), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama on, north or west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to junction Interstate Highway 65 to junction Alabama Highway 22 to junction Alabama Highway 41 to junction Alabama Highway 21 to junction U.S. Highway 31 to Alabama Highway 59 to the Coast, on the one hand, and, on the other points in South Carolina on and east of a line beginning at the Tennessee-South Carolina State line and extending along U.S. Highway 276 to junction Interstate Highway 26 to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E14), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama beginning at the Alabama-Georgia State line near Phoenix City and extending along U.S. Highway 431 to junction U.S. Highway 82 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Oklahoma west of U.S. Highway 56. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E15), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama east of U.S. Highway 431, on the one hand, and, on the other, points in Missouri north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 24 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E16), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama on and east of U.S. Highway 431, on the one hand, and, on the other, points in Missouri on and north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to junction Interstate Highway 44 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E17), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama south of a line beginning at the Georgia-Alabama State line and extending along Alabama Highway 26 to junction U.S. Highway 82 to junction U.S. Highway 29 to junction U.S. Highway 84 to junction Interstate Highway 65 to junction Interstate Highway 10 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Kentucky a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 65 to junction Kentucky Highway 90 to junction U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E18), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along Kentucky Highway 11 to junction Kentucky Highway 30 to junction Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E19), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in Scioto County, Ohio. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E20), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Kent and Sussex Counties, Del., on the one hand, and, on the other, points in Ohio south of a line beginning at the Kentucky-Ohio State line, near Cincinnati, and extending along Ohio Highway 125 to junction U.S. Highway 52 to junction U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E21), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama south of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to junction Interstate Highway 59 to junction U.S. Highway 411 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction Interstate Highway 456 to junction Interstate Highway 70 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E22), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household*

Goods, 17 M.C.C. 467, between points in Georgia (except points in McIntosh, Long, Liberty, Bryan, Chatham, Effingham, Screven, Bulloch, Candler, Tattnall, Evans, and Toombs Counties), on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E23), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 80 to junction U.S. Highway 301, on the one hand, and, on the other, points in Spartanburg and Cherokee Counties, S.C. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E24), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia on and west of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 78 to junction Interstate Highway 78 to junction Interstate Highway 285, thence south along Interstate Highway 285 to its junction with Interstate Highway 85 to its junction with U.S. Highway 23 to the Georgia-North Carolina State line, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to its junction with South Carolina Highway 34 to its junction with U.S. Highway 1 to the Wateree River to Lake Marion to Lake Moultrie to the Santee River to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E25), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia north of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 41 to Interstate Highway 285, thence south along Interstate Highway 285 to its junction with U.S. Highway 78 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Oklahoma west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 44 to junction Oklahoma Highway 99 to junction U.S. Highway 377 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E26), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Oklahoma west of U.S. Highway 54. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E27), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia west of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to junction U.S. Highway 129 to junction Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 29 to its junction with U.S. Highway 158 to its junction with Interstate Highway 85 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E28), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices in Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, those points in Missouri on and north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to its junction with U.S. Highway 63 to its junction with U.S. Highway 66 to its junction with Interstate Highway 44 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E29), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia east of U.S. Highway 129, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E30), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 360. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E31), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Key West, Fla., on the one hand, and, on the other, points in South Carolina north or west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E32), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in South Carolina north of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E33), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida on and west of Interstate Highway 75 and on and south of Florida Highway 40, on the one hand, and, on the other, points in Oklahoma on and north of Interstate Highway 40 and on and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E34), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida on and east of Interstate Highway 75 and on and north of Florida Highway 50, on the one hand, and, on the other, those points in Oklahoma north of Interstate Highway 40 and on and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E35), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida on and east of Interstate Highway 75 and on and south of Florida Highway 50, on the one hand, and, on the other, points in Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E36), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida south of Florida Highway 84, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E37), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction Florida highway 361A to the Gulf of Mexico, on the one hand, and, on the other, those points in North Carolina on, north, or west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 401 to junction U.S. Highway 13 to the Virginia-North Carolina State line.

No. MC 2630 (Sub E38), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in North Carolina on and west of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E39), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 319 to junction U.S. Highway 98 to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E40), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, between those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 319 to junction U.S. Highway 98 to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 4405 (Sub-No. E17), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Kansas, Missouri, Oklahoma (except those points in Cimarron County on and west of U.S. Highway 385 and on and north of U.S. Highway 56), and East St. Louis, Ill., on the one hand, and, on the other, points in New Mexico on and north of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E18), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in the Lower Peninsula of Michigan on, north or east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction Interstate Highway 96 to Lake Michigan, and East St. Louis, Ill., on the one hand, and, on the other, points in Missouri in and south of Pike, Audrain, Randolph, Chariton, Livingston, Davies, De Kalb, Andrew, and Holt Counties. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill.

No. MC 4868 (Sub-No. E1), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between those points in Kansas located on or south of U.S. Highway 54 (except Wichita), on the one hand, and, on the other, points in Montana, Utah, Wyoming, and points in

Weld County, Colo. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E2), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in Oklahoma located on and east of Oklahoma Highway 136, on the one hand, and, on the other, all points in the States of Colorado, Utah, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E3), filed April 16, 1974. Applicant: GREVER TRUCKINC CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in Oklahoma located west of Oklahoma Highway 136, on the one hand, and, on the other, all points on, west and north of a line extending northeasterly from the Colorado-New Mexico State line on U.S. Highway 84 north to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with Colorado Highway 112, thence along Colorado Highway 112 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line, and all points in the States of Utah, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E4), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in the States of Arkansas, Louisiana, and Mississippi, on the one hand, and, on the other, all points in the States of Colorado, Montana, Wyoming and Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E5), filed April 16, 1974. Applicant: Grever Trucking Co., Inc., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg, 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in the State of Arkansas on and north of Interstate Highway 40, on the one hand, and, on the other, all points in the State of Texas on and west of a line extending from the Mexico-Texas border north on U.S. Highway 83 to its junction with U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 31600 (Sub-No. E8), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Kragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, except petroleum and petroleum products, and bitimous materials and bituminous products, (a) between points in Aroostook, Hancock and Washington Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Massachusetts State line and extending along New York Highway 23 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 80, thence along New York Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario (except points in the New York, N.Y., Commercial Zone); (b) between points in Androscoggin, Cumberland, Oxford, Sagadahoc, Somerset and York Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S Highway 6, thence along U.S. Highway 6 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96/96B, thence along New York Highway 96/96B to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 39, thence along New York Highway 39 to Lake Erie (except points in the New York, N.Y., Commercial Zone); and (c) between points in Kennebec, Knox, Lincoln, Penobscot, and Waldo Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Connecticut State line, and extending along U.S. Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario (except points in the New York, N.Y., Commercial Zone). The purpose of this filing is to eliminate the gateways of points in Essex, Hudson or Union Counties, N.J., points in Bergen County, N.J., south of New Jersey Highway 4, points in Middlesex County north of the Raritan River (except points in the New York, N.Y. Commercial Zone).

No. MC 52657 (Sub-No. E23), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies*, between points in Michigan, on the one hand, and, on the other, points in Alabama (except that part east of a line beginning at the Alabama-Tennessee State line near Green Hill, Ala., thence extending south on U.S. Highway 43 to its junction with Alabama Highway 157 near Spring Valley, thence along Alabama Highway 157 to its junction with Interstate Highway 65 near Cullman, thence along Interstate Highway 65 to its junction with U.S. Highway 231 near Montgomery, thence along U.S. Highway 231 to the Florida State line near Madrid, Ala.), Florida (except that part west of a line beginning at the Georgia State line near Concord, Fla., thence extending south along U.S. Highway 27 to its junction with Alternate U.S. Highway 27 near Perry, thence along Alternate U.S. Highway 27 to its junction with Florida Highway 345 near Chiefland, thence along Florida Highway 345 to the Gulf of Mexico near Cedar Key, Fla.), and Mississippi; (2) *new bodies without wheels*, and *hydraulic hoists*, from Forest Park, Ga., to points in Michigan (except that part west and south of a line beginning at the Michigan-Indiana State line near Sturgis, thence extending north on Michigan Highway 66 to junction with Michigan Highway 60 near Mendon, thence west on Michigan Highway 60 to its junction with Michigan Highway 40 near Jones; thence north on Michigan Highway 40 to its junction with Michigan Highway 43 near Glendale, thence west on Michigan Highway 43 to its junction with Lake Michigan near

South Haven, Mich.). The purpose of this filing is to eliminate the gateways of (1) Mattoon, Ill., and (2) Galion, Ohio.

No. MC 52657 (Sub-No. E38), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in New Mexico, on the one hand, and, on the other, points in Connecticut, Delaware, that part of Kentucky on and east of a line beginning at the Ohio River and Kentucky Highway 11 near Maysville, Ky., extending south on Kentucky Highway 11 to U.S. Highway 421, and thence east on U.S. Highway 421 to the Virginia State line near Harlan, Ky., Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio (except that part west of a line beginning at Lake Erie and Ohio Highway 4 near Sandusky, Ohio, thence extending south on Ohio Highway 4 to Ohio Highway 38, thence south on Ohio Highway 38 to U.S. Highway 62 and south on U.S. Highway 62 to the Ohio River near Ripley, Ohio), Pennsylvania, Rhode Island, Tennessee (except that part west of a line beginning at the Georgia-Tennessee State line near Conosauga, Tenn., thence extending north on U.S. Highway 411 to its junction with Tennessee Highway 163 near Wetmore, thence west on Tennessee Highway 163 to its junction with U.S. Highway 11 near Calhoun, thence north on U.S. Highway 11 to its junction with U.S. Highway 11W near Knoxville, thence north on U.S. Highway 11W to the Virginia State line near Bristol, Tenn.), Vermont, Virginia, West Virginia, Wisconsin (except that part west of a line beginning at the Michigan State line and U.S. Highway 51 near Hurley, Wisc., thence south on U.S. Highway 51 to Wisconsin Highway 182, thence west on Wisconsin Highway 182 to Wisconsin Highway 13, thence south on Wisconsin Highway 13 to Wisconsin Highway 80, thence south on Wisconsin Highway 80 to Wisconsin Highway 54, thence west on Wisconsin Highway 54 to Wisconsin Highway 27, thence south on Wisconsin Highway 27 to Wisconsin Highway 33, thence east on Wisconsin Highway 33 to Wisconsin Highway 23, thence south on Wisconsin Highway 23 to Wisconsin Highway 11, thence east on Wisconsin Highway 11 to Wisconsin Highway 78, thence south on Wisconsin Highway 78 to the Illinois State line near Gratiot, Wisc.), and the District of Columbia. The purpose of this filing is to eliminate the gateways of Coles County, Ill., and St. Clair, Mo., for the States of Kentucky and Ohio, and Mattoon, Ill., for all other points.

No. MC 52657 (Sub-No. E41), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, (1) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, that part of Virginia beginning at the West Virginia-Virginia State line near Rawley Springs, Va., thence extending southeast on U.S. Highway 33 to the junction of U.S. Highway 60 at Richmond, Va., thence southeast on U.S. Highway 60 to Williamsburg, Va., West Virginia (except that portion south of a line beginning at the Ohio-West Virginia State line at Parkersburg, W. Va., thence east on U.S. Highway 50 to the junction of U.S. Highway 350 near Pruntytown, W. Va., thence south on U.S. Highway 250 to the junction of U.S. Highway 33 at Elkins, W. Va., thence east on U.S. Highway 33 to the West Virginia-Virginia State line near Oak Flat, W. Va.), Wisconsin, and the District of Columbia; and (2) between points in Kansas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida (except that part west of a line beginning at the Georgia-Florida State line near Edith, Ga., thence south on U.S. Highway 441 to its junction with Florida Highway 247, thence along Florida Highway 247 to its junction with U.S. Highway 129 near Branford, thence along U.S. Highway 129 to its junction with Florida Highway 345 near Chiefland, thence along Florida Highway 345 to the Gulf of Mexico near Cedar Key, Fla.), Georgia (except that part west of a line beginning at the North Carolina-Georgia State line near Sweetgum, thence south along Georgia Highway 60 to its junction with U.S. Highway 219 near Gainesville, thence south on U.S. Highway 129 to its junction with Interstate Highway 75 near Macon, thence along Interstate Highway 75 to the Georgia-Florida State line near Melrose, Ga.), Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that part west of a line beginning at the Tennessee-Georgia State line near Conasanga, Tenn., thence north on U.S. Highway 441 to its junction with Tennessee Highway 163 near Wetmore, thence along Tennessee Highway 163 to its junction with U.S. Highway 11 near Calhoun, thence along U.S. Highway 11 to its junction with Tennessee Highway 33 near Knoxville, thence along Tennessee Highway 33 to the Virginia-Tennessee State line near Kyles Ford, Tenn.), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 59393 (Sub-No. E5), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, Ark., Delta, Fannin, Lamar or Red River County, Tex., and points within 50 miles of Tillman and Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E7), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in New Mexico on and west of Interstate Highway 35 (points within 50 miles of Tillman and Kiowa Counties, Okla., and Delta, Fannin, Lamar, Delta or Red River Counties, Tex.)*, and Oklahoma (points in Delta, Fannin, Lamar, or Red River Counties, Tex., and points within 50 miles of Tillman County, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 59393 (Sub-No. E8), filed June 5, 1974. Applicant: BESTWAY VAN LINES, INC., Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Louisiana (points within 50 miles of Kiowa and Tillman Counties, Okla., and points in Delta, Fannin, Lamar, or Red River Counties, Tex.)*, and Mississippi (points within 50 miles of Kiowa and Tillman Counties, Okla., Delta, Fannin, Lamar, or Red River Counties, Tex., and Bradley County, Ark.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 59393 (Sub-No. E9, filed June 5, 1974. Applicant: BESTWAY VAN LINES, INC., Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to its junction with U.S. Highway 57, thence along U.S. Highway 57 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points within 50 miles of Kiowa County, Okla., and within 50 miles of Tillman, Okla.

No. MC 64808 (Sub-No. E15), filed August 23, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fair-

mont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, and dimension stock), (1) from points in that part of Virginia on, east and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 501, at Lynchburg, Va., thence along U.S. Highway 501 to junction U.S. Highway 61, thence along U.S. Highway 60 to junction Virginia Highway 39 at Lexington, Va., thence along Virginia Highway 39 to the Virginia-West Virginia State line, to points in Ohio on and north of U.S. Highway 40; and (2) from points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, extending along U.S. Highway 220 to junction U.S. Highway 460 at Roanoke, Va., and on and south of U.S. Highway 460 to the Atlantic Ocean, to points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line at Clarington, Ohio extending along Ohio Highway 78 to junction Ohio Highway 37 at Connelsville, Ohio, thence along Ohio Highway 37 to Lancaster, Ohio, thence along U.S. Highway 33 to Columbus, Ohio, thence along U.S. Highway 40 to the junction of Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 36 near Urbana, Ohio, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Fairmont, W.Va.

No. MC 64808 (Sub-No. E46), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in that part of Washington, Greene, and Fayette Counties, Pa., on and south of Interstate Highway 70 and on and west of U.S. Highway 219 to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Hancock, N.Y., and extending along New York Highway 8 to Utica, N.Y., thence along New York Highway 12 to Clayton, N.Y.; (2) between points in Pennsylvania on and west of U.S. Highway 219 and on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Pennsylvania Highway 8 at Pittsburgh, Pa., thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Kentucky on, south, and east of a line beginning at the Ohio-Kentucky State line and extending along Kentucky Highway 7 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Indiana-Kentucky State line at Louisville, Ky.; (3) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at the Ohio-Kentucky State line at Ashland, Ky., and extending along Kentucky Highway 3 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Kentucky-Illinois State line at Paducah, Ky.

(4) Between points in Pennsylvania on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky on and south of Kentucky Highway 22; (5) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on, east, and south of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to Pittsburgh, Pa., thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Clarion, Pa., thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 97 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and (6) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 296 to junction U.S. Highway 219, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E54), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Ohio on and east of a line beginning at Hannibal, Ohio, and extending along Ohio Highway 7 to Martins Ferry, Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to Alton, Ill., thence along Illinois Highway 100 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 57, thence along Illinois Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 94, thence along Illinois Highway 94 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 84, thence along Illinois Highway 84 to the Illinois-Wisconsin State line; and (2) between points in that part of Ohio on and east of a line beginning at Hannibal, Ohio, and extending along Ohio Highway 7 to East Liverpool, Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to Alton, Ill., thence along Illinois Highway 100 to junction Illinois Highway 36, thence along Illinois Highway 36 to junction Illinois Highway 57, thence along Illinois Highway 57 to Quincy, Ill., at the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E60), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Ohio (except those points on and north of a line beginning at the West Virginia-Ohio State line, and extending along Ohio Highway 45 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Lake Erie shore), on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-New Jersey State line and extending along Interstate Highway 287 to the Long Island Sound at or near Port Chester, N.Y.; (2) between points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of New

York on and east of a line beginning at the New York-New Jersey State line and extending along New York Highway 94 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; (3) between points in that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 47 at Bellefontaine, Ohio, thence along Ohio Highway 47 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 9N, thence along New York Highway 9N to junction New York Highway 17, thence along New York Highway 17 to the New York-Vermont State line.

(4) Between points in that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 40 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 81, thence along Ohio Highway 81 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 7A to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; and (5) between points in that part of Ohio on, south, and west of U.S. Highway 250, on the one hand, and, on the other, points in that part of New York on and south of Interstate Highway 84. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E64), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Ohio on, south, and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to Athens, Ohio, thence along Ohio Highway 346 to Jackson, Ohio, thence along Ohio Highway 124 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to Dayton, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along Pennsylvania Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (2) between points in Adams, Athens, Brown, Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, and Vinton Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Armstrong, Indiana, Clarion, and Jefferson Counties, Pa., points in that part of Somerset, Cambria, Clearfield, and Elk Counties, Pa., on and west of U.S. Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 to junction U.S. Highway 219; (3) between points in Darke, Defiance, Mercer, Montgomery, Paulding, Preble, Van Wert, and Williams Counties, Ohio, on the one hand, and, on the other, points in Fayette County, Pa., and points in Somerset County, Pa., on and west of U.S. Highway 219; and (4) between points in Butler, Clermont, Clinton, Hamilton, Highland, and Warren Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Indiana, and Jefferson Counties, Pa., and points in Somerset, Cambria, and Clearfield Counties, Pa., on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E75), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between points in that part of Maryland on, south, and west of a line extending along Interstate Highway 95 from Baltimore to the Maryland-Delaware State line, on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending over U.S. Highway 19 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 19 to junction West Virginia Highway 16, and thence over West Virginia Highway 16 to the West Virginia-Virginia State line; and (2) *glass bottles*, (a) from points in Maryland on and west of U.S. Highway 220 to points in Kentucky (except Louisville, Ky.); (b) from points in Maryland to points in Kentucky on, north, and west of a line beginning at the West Virginia-Kentucky State line and extending along U.S. Highway 23 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line (except Louisville, Ky.); and (c) from points in Maryland on and north of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 340 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, to points in Kentucky on, north, and east of a line beginning at the West Virginia-Kentucky State line, and extending along U.S. Highway 119 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) Marion County, W. Va., and (2) Fairmont and Star City, W. Va.

No. MC 111823 (Sub-No. E36), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Ent Air Force Base, Fort Carson, and the U.S. Air Force Academy, Colorado Springs, Colo., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Submarine Base, New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; MacDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station, Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base,

Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Air Field, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.

Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savannah Army Depot, Savannah, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridan, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base. Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGurie Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base. Plattsburg. N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.

Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base Charleston, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E37), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78218. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fitzsimons General Hospital and Lowry Air Force Base, Denver, Colo., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base, New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.

Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kinchelo Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N. Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Deport, New Cumberland, Pa.

Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.;

Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Val.; Naval Weapons Station Yorktown, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 113678 (Sub-No. E18), (Correction), filed May 5, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, frozen meat products*, and *frozen meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ames, Iowa, to points in Arizona, California, Nevada, and points in New Mexico on and west of a line extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Denver, Colo. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113678 (Sub-No. E66), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Frozen potato products* and *frozen corned beef hash*, from points in Idaho, Oregon, and Washington (except Kennewick), to points in Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hastings, Nebr. The purpose of this partial correction is to correct the commodity descriptions in (C) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E31), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from those points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, thence along U.S. Highway 62 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line, to points in Fairfield County, Conn.; (2) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 403 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to Danbury, Conn.; (3) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in Litchfield County, Conn.

(4) From those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to Pittsburgh, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to Clarion, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Kane, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in New Haven, Conn.; (5) from Waterbury, Conn., to Uniontown, Pa.; (6) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to DuBois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in Hartford, Middlesex, New London, Putnam, and Tolland Counties, Conn.; (7) from Williamsport, Pa., to Putnam, Conn.; and (8) from Lock Haven, Pa., to Putnam, Norwich, New London, Middletown, New Britain, Hartford, Torrington, and Canaan, Conn. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E265), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and *frozen potato products*, from Presque Isle, Maine, to points in Kentucky, Virginia (except those in Accomack and Northampton Counties), those in Maryland on, west, and south of a line beginning at the Chesapeake Bay and extending along Maryland Highway 152 to junction Maryland Highway 23, thence along Maryland Highway 23 to the Maryland-Pennsylvania State line, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 41, thence along New York Highway 41 to junction New York Highway 321, thence along New York Highway 321 to junction New York Highway 368, thence along New York Highway 368 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 173, thence along New York Highway 173 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to Lancaster, thence along Pennsylvania Highway 272 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line, and the District of Columbia. The purpose of this filing is to eliminate the gateways of South Waverly, Pa., and Elmira, N.Y.

No. MC 113843 (Sub-No. E270), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to those points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; (2) from points in Tioga, Bradford, and Susquehanna Counties, Pa., to points in Minnesota; (3) from points in Lycoming, Sullivan, Wyoming, Lackawanna, and Pike Counties, Pa., to points in Minnesota; (4) from Blair, Huntingdon, Juniata, and Mifflin Counties, Pa., to those points in Minnesota on and west of U.S. Highway 71; (5) from Erie, Pa., to International Falls, Moorhead, E. Grand Forks, and Noyes, Minn.; and (6) from those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to DuBois, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State to those points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Brockport, Morton, and LeRoy, N.Y.

No. MC 113843 (Sub-No. E621), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits;* (1) from those points in Delaware and Maryland, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along the Delaware-Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to points in Colorado, Kansas, Wisconsin, and those points in Arkansas on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, those in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 17 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Mississippi River, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, those in Texas on, south, and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 181 to junction Texas Highway 123, thence along Texas Highway 123 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 14, thence along Texas Highway 14 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line.

(2) From those points in Delaware south of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to the Delaware-Maryland State line, those in Maryland south of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay and on and north of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 54 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay (except Cambridge), to points in Colorado, Kansas (except Kansas City), and those in Arkansas on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 252, thence along Arkansas Highway 252 to the Arkansas-Oklahoma State line, those in Missouri on, north, and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Iowa State line, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to the Oklahoma-Arkansas State line, those in Texas on, south, and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 100 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Texas-Oklahoma State line, those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Illinois State line extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, and Joplin, Mo.; and

(3) From those points in Maryland south and east of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 54 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay (except Crisfield and Pocomoke City), to points in Kansas and Colorado, and those in Arkansas on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, those in Missouri on, north, and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line, those in Texas on, north, and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 57 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. 151 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E849), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 18, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Bos-

ton, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) between those points in New Jersey on, east, and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in Indiana; (2) between those points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, those points in Indiana on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 421 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line; (3) between points in New Jersey, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 20 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line.

(4) Between points in Cumberland County, N.J., on the one hand, and, on the other, those points in Indiana on, west, and north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 234, thence along Indiana Highway 234 to the Indiana-Illinois State line; (5) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 72 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 73, thence along New Jersey Highway 73 to the Delaware River, on the one hand, and, on the other, those points in Indiana on and north of Indiana Highway 26; and (6) between points in Atlantic County, N.J., on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 32 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial descriptions.

No. MC 113843 (Sub-No. E967), (correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-E1023), filed December 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Hanover, Pa., to St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Elmira. N.Y.

No. MC 113843 (Sub-E1024), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Frozen foods* between those points in New Jersey north of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, to junction New Jersey Highway 33, to the Atlantic Ocean, on the one hand, and, on the other, those points in Indiana (except those on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 27 to junction U.S. Highway 224, to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17679 Filed 7-7-75;8:45 am]

[Notice 22]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 8, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 28, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75928. By order of June 26, 1975, the Motor Carrier Board approved the transfer to P & D Warehouse & Cartage, Inc., Baltimore, Md., of the operating rights in Certificate No. MC 79267 issued September 13, 1974, to Raymond Gilbert Hughes, doing business as Hughes Van Company, Baltimore, Md., authorizing the transportation of household goods, between Baltimore, Md., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17681 Filed 7-7-75;8:45 am]

[Notice 73]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and

will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 315 TA), filed June 23, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce* (soy sauce), in bulk, in tank vehicles, from the plantsite of Kikkoman Foods, Inc., at Walworth, Wis., to Modesto, San Jose, and Gardena, Calif., for 180 days. Supporting shipper: Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wis. 53184. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 4483 (Sub-No. 20 TA), filed June 16, 1975. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. Applicant's representative: James F. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waferboard and chipboard*, from the port of entry at the International Boundary Line, between the United States and Canada at or near Grand Portage, Minn., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: The Great Lakes Paper Company, Limited, Box 430, Thunder Bay, Ontario, Canada. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 103993 (Sub-No. 857TA), filed June 16, 1975. Applicant: REDDING TRANS., INC., 133 Elm Street, North Uxbridge, Maine 01538. Applicant's representative: Arthur A. Wentzell, P.O. Box 764, Worcester, Maine 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton piece goods; yarn, mohair, orlon, rayon and wool; bobbins; thread, cotton, rayon and wool; printed matter; knitting needles*, between Uxbridge, Mass., on the one hand, and, on the other, Boston, Mass., including Logan International Airport, East Boston, and Worcester, Mass., restricted to traffic moving in interstate commerce, from the plant of Emile Bernat & Sons Co., for 180 days. Emile Bernat & Sons, Inc., Mendon St., Uxbridge, Mass. 05138. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

No. MC 103993 (Sub-No. 857 TA), filed June 23, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, accessories, tools, materials, and equipment*, for trailers, designed to be drawn by passenger automobiles, *and recreational vehicles*, when transported in mixed loads with these commodities, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Holiday Rambler Corporation, Wakarusa, Ind. 64573. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 105566 (Sub-No. 111TA), filed June 16, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, plastic articles, and plastic products*, from Olive Branch, Miss., to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, for 90 days. Supporting shipper: Holiday Inns, Memphis, Tenn. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 107515 (Sub-No. 983TA), filed June 19, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Such commodities* as are dealt in or used by food processors, manufacturers, distributors, wholesalers, and retailers (except foodstuffs), in mixed loads with foodstuffs (presently authorized), in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Georgia, Alabama, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Kentucky. Restriction: Restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md.; (B) *foodstuffs* (except frozen foods), from Doraville, Ga., to points in Georgia. Restriction: Restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md.; (2) such commodities as are dealt in or used by food processors, manufacturers, distributors, wholesalers and retailers, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md., to Doraville, Ga., for 180 days. Supporting shipper: Fairfield Farm Kitchens, Division of Marriott Corporation, 5200 Addison Road NE., Washington, D.C. 20027. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 109692 (Sub-No. 31TA), filed June 6, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., 600 Genesee, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, attachments, implements and parts*, irrespective of their intended use, from points in the Kansas City, Mo., Kansas Commercial Zone, to points in Arkansas, Colorado, Iowa, Missouri, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 62 to Oklahoma City, Okla., and thence along U.S. Highway 66, to the Oklahoma-Texas State line and points in Texas on and north of a line beginning at the Louisiana-Texas state line, thence along Interstate Highway 20 to Roscoe, Tex., and thence along U.S. Highway 84 to the Texas-New Mexico State line; and (2) *Damaged, refused and retendered commodities*, as described above, from the destination States described in (1) above, to the Kansas City, Mo., Kansas Commercial Zone, for 180 days. Supporting shipper: J. I. Case Company, 2133 Broadway, Kansas City, Mo. 64108. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113855 (Sub-No. 319TA), filed June 17, 1975. Applicant: INTERNATIONA LTRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, and equipment;* (2) *Accessories, parts and supplies*, for (1) when moving in mixed loads with such commodities, from Broomfield, Colo., to points in Washington, Oregon, Montana, Idaho, Wyoming, Utah, Colorado, New Mexico, California, Arizona, Nevada, and ports of entry on the United States-Canada Boundary Line, located at or near Blaine, Sumas, Oroville, and Laurier, Washington, Porthill, and East Port, Idaho;

Sweetgrass, Mont.; Portal and Pembina, N. Dak.; and Noyes, International Falls, and Pigeon River, Minn., and extending to points in Alberta, British Columbia, Manitoba, and Saskatchewan, Canada, for 180 days. Supporting shipper: Sperry New Holland, Div., Sperry Rand Corporation, New Holland, Pa. 17557. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115654 (Sub-No. 41TA), filed June 23, 1975. Applicant: TENNESSEE-CARTAGE CO., INC., P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Steven George (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such other commodities* as are dealt in by wholesale and retail grocery houses, restaurants and institutional facilities (except in bulk), in vehicles equipped with mechanical refrigeration from the warehouse facilities of Polar Refrigerated Services, at or near Nashville, Tenn., to points in Alabama, Tennessee, Georgia, Kentucky, Cincinnati, Ohio, St. Louis, Mo., Indianapolis, Ind., and the commercial zones of Memphis, Bristol, and Chattanooga, Tenn., Louisville, Ky., Henderson, Ky., Cincinnati, Ohio, Indianapolis, Ind., St. Louis, Mo., for 180 days. Supporting shipper: Polar Refrigerated Services, Inc., 326 11th Ave., No., Nashville, Tenn. 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 117395 (Sub-No. 23TA), filed June 18, 1975. Applicant: SOUTHERN CEMENT TRANSPORT, INC., P.O. Box 188, Okay, Ark. 71854. Applicant's representative: M. J. Lucy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Okay, Ark., to points in Tennessee, in Fayette, Haywood, Hardeman, Shelby, and Tipton Counties, Tenn., for 180 days. Supporting shipper: Ideal Basic Industries, Inc., Cement Division, 821 17th St., Denver, Colo. 80202. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119639 (Sub-No. 16TA), filed June 19, 1975. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, Wash. 98168. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in mechanically-refrigerated equipment from Seattle, Wash., to Reno, Nev., for 180 days. Supporting shipper: Best Pie Company, 1000 Mercer St., Seattle, Wash. 98109. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 126059 (Sub-No. 3TA), filed June 23, 1975. Applicant: DE ROSA TRUCKING CORP., Isthmian Pier, Shed 1, Brooklyn, N.Y. 11231. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial flowers and fruit, holidaynnovelties, arts and crafts materials and florist supplies* having a prior or subsequent movement by water or rail, between points in the New York, N.Y., "exempt" zone (that part of New York, N.Y., Commercial Zone as defined by fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act), on the one hand, and, on the other, Garden City Park, N.Y., under continuing contract with Sol Spitz Co., for 150 days. Supporting shipper: Sol Sputz Co., 120 Broadway, Garden City Park, N.Y. 11040. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124813 (Sub-No. 130TA), filed June 19, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil conditioner* (except in bulk), from Green Bay, Wis., to points in Illinois on and north of U.S. Highway 36; points in Michigan on and south of Michigan Highway 57 and on and west of U.S. Highway 27; points in Indiana on and west of U.S. Highway 27 and on and north of Indiana Highway 32; and points in Minnesota, located east of Minnesota Highway 15, on and north of U.S. Highway 14, and south of Minnesota Highway 95, for 180 days. Supporting shipper: F. Hurlbut Co., P.O. Box 4000, Green Bay, Wis. 54303. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129253 (Sub-No. 7TA), filed June 23, 1975. Applicant: P & H TRUCKING COMPANY, INC., P.O. Box 15099, 180 West South Street, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, pipe fittings, valves and sprinkler equipment*, from the plant site of Dahn Brothers, Inc., at Salt Lake City, Utah, to Jackson, Wyo.; Las Vegas, Nev.; Reno, Nev.; Denver, Colo.; Boise, Idaho; Culbertson, Mont.; Aberdeen, Idaho; San Diego, Calif.; and Santa Maria, Calif., for 180 days. Supporting shipper: Dahn Brothers, 2635 South 2700 West, Salt Lake City, Utah 84119. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Bldg., Bureau of Operations, 125 South State St., Salt Lake City, Utah 84138.

No. MC 135316 (Sub-No. 3TA), filed June 23, 1975. Applicant: AIR TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, Kanawah Airport, Charleston, W. Va., 25311. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between points in Kanawha County, W. Va., and those in the Charleston, W. Va. Commercial Zone, on the one hand, and, on the other, points in Cuyahoga County, Ohio, restricted to traffic having prior or subsequent movement by air, for 180 days. Supporting Shipper: United Airlines, Kanawah Airport, Charleston, W. Va. 25311. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 135750 (Sub-No. 5TA), filed June 23, 1975. Applicant: COALE TRUCK TRANSPORT, INC., P.O. Box 135, Darlington Road, Darlington, Md. 21034. Applicant's representative: Robert J. Carson, 1700 One Charles Center, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, (1) from Flushing, Ohio, including the commercial zones thereof, to all points in the states of New York (except Buffalo and New York City) and New Jersey (except Port Newark); (2) to Flushing, Ohio, including the commercial zones thereof, from all points in the states of Illinois, Indiana, Iowa, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Wisconsin, under a continuing contract or contracts with Cloverland Dairy, Inc., Flushing, Ohio, for 180 days. Supporting shipper: James L. Hyest, Secretary-Treasurer, Cloverland Dairy, Inc., Box 67, Flushing, Ohio 43977. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 136008 (Sub-No. 61TA), filed June 20, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third St. NE., P.O. Box 1669, Ardmore, Okla. 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from Quarry, located approximately six miles northeast of Watonga, Okla., to Independence, Kans., for 180 days. Supporting shipper: Universal Atlas Cement, United States Steel Corp.,

James T. Curtis, Jr., Mgr., Non Ferrous Traffic, 600 Grant St., Pittsburgh, Pa. 15230. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136531 (Sub-No. 3TA), filed June 23, 1975. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Eugene Luisi (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt* beverages, from Los Angeles, San Francisco, Elk Grove, Madera, Modesto, Menlo Park, and Napa, Calif., to Seattle, Tacoma, and Yakima, Wash. for 180 days. Supporting shipper: Yakima County Beverage Co., 1208 No. 1st St., Yakima, Wash. 98901. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138882 (Sub-No. 8TA), filed June 17, 1975. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36018. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from the facilities of Elba Pallets, Inc., located at or near Elba, Ala., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Texas, and Arkansas, for 180 days. Supporting shipper: Elba Pallets, Inc., P.O. Box 276, Elba, Ala. 36323. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139306 (Sub-No. 3 TA), filed June 18, 1975. Applicant: DEL R. STANAGE AND JOE R. STANAGE, doing business as STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Del R. Stanage (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), in bulk, in dump vehicles, between Owensboro, Ky., Paris, Tex., Reform, Ala., and Salina, Kans., for 180 days. Supporting shipper: Flex-O-Lite Division, General Steel Inc., P.O. Box 429, Paris, Tex. 75460. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201. Tacking: Applicant intends to tack with its existing authority in MC 139306 (Sub-No. 1TA).

No. MC 140422 (Sub-No. 2TA), filed June 23, 1975. Applicant: GENE R. THEODORI AND JERRY M. SMIELL, doing business as THEODORI TRUCKING, Box 45, Waltersburg, Pa. 15488. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Garrett County, Md., to Bellaire and Martins Ferry, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Utilities Fuel Company, for 180 days. Supporting shipper: Utilities Fuel Company, 76 East Main St., Uniontown, Pa. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140844 (Sub-No. 1TA) (Correction), filed April 29, 1975, published in the FEDERAL REGISTER issue of May 28, 1975, and republished as corrected this issue. Applicant: TERRY L. PRIEST, Box 188, New Florence, Pa. 15944. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk) and related advertising material, (1) from points in Cleveland, Ohio, to the Boroughs of Clymer and Indiana, Indiana County, Pa., the Boroughs of East Vandergrift and Bolivar, Westmoreland County, Pa., and the Township of Somerset, Somerset County, Pa., *and empty malt beverage containers on return*, under a continuing contract or contracts with (1) Paul and Dominic LaMantia t.a. LaMantia Beer Distributors; (2) George J. Paytash and Elsie Paytash t.d.b.a. Clymer Beverage Company; (3) Bertha T. Dellafiora d.b.a. National Beer Sales; (4) Chester Rukas and Irene Rukas d.b.a. Rukas Beverage Distributing Company; and (5) Joseph and Josephine Picadio d.b.a. Picadio Beer Distributors; (2) from points in Winston-Salem, N.C., to the Borough of Blairsville, Indiana County, Pa., *and empty malt beverage containers on return*, under a continuing contract with Frances L. LaMantia d.b.a. F. L. LaMantia Beer Distributor, for 180 days. Supporting shippers: Paul and Dominic LaMantia t.a. LaMantia Beer Distributors, 609–611 Washington St., Bolivar, Pa. 15923. Bertha T. Dellafiora d.b.a. National Beer Sales, 471 Water St., Indiana, Pa. 15701. Chester Rukas and Irene Rukas d.b.a. Rukas Beverage Distributing Company, 701 McKinley Avenue, East Vandergrift, Pa. 15629. Joseph Picadio and Josephine Picadio d.b.a. Picadio Beer Distributors, R.D. #6, Route 31, Somerset, Pa. 15501. George J. Paytash and Elsie Paytash, t.d.b.a. Clymer Beverage Company, 81 Sherman St., Clymer, Pa. 15728. Frances L. LaMantia d.b.a. F. L. LaMantia Beer Distributor, 42 W. Ranson Ave., Blairsville, Pa. 15717. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222. The purpose of this republication is to state the name and address of representative to which protests are to be sent.

No. MC 140972 (Sub-No. 1TA), filed June 23, 1975. Applicant: DONALD D. BRADER, doing business as DON BRADER TRUCKING, 905 South 29th Ave., Yakima, Wash. 98902. Applicant's representative: Charles G. Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish, and Buena, Wash., to Sublimity, Oreg., for 180 days. Supporting shipper: Soil Conditioners, Inc., P.O. Box 206, Zillah, Wash. 98953. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141036 (Sub-No. 1TA), filed June 18, 1975. Applicant: JAMES SIMMONS, doing business as J & V DELIVERY CO., 170 S. Morton, Hoffman Estates, Ill. 60172. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical isotopes, medical test kits, radioactive drugs, and radiopharmaceuticals*, from the plantsite and warehouse facilities of Medi-Physics, Inc., at or near Rosemont, Ill., to points and places in Lake, La Porte, and Porter Counties, Ind.; and Dane, Green, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, Wis., for 180 days. Supporting shipper: John Malasanos, Facility Manager, Medi-Physics, Inc., 9820 W. Bryn Mawr, Rosemont, Ill. 60018. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141054 (Sub-No. 1TA), filed June 16, 1975. Applicant: B & B PACKING TRANSPORT, LTD., 4801 West Collum Ave., Chicago, Ill. 60641. Applicant's representative: J. Michael May, Suite 20, 1459 Peachtree St. NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Chicago, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Robert A. Bogan, Director of Transportation, B & B Packing Company, 4801 West Collum Ave., Chicago, Ill. 60641. Send protests to: Charles R. Nesmith, District Supervisor, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141063 TA, filed June 16, 1975. Applicant: THE CITY CONTRACT BUS SERVICE, INC., P.O. Box 77396, Atlanta, Ga. 30309. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 Peachtree St. NW., Atlanta Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Employees* of Seaboard Coast Line Railroad Company with or without their baggage, under a continuing contract or contracts with Sea-

board Coast Line Railroad Company, from points on the line of Seaboard Coast Line Railroad Company in the States of Alabama, Georgia, Florida, North Carolina, and South Carolina, for 180 days. Supporting shipper: Seaboard Coast Line Railroad Company, 500 Water Street, Jacksonville, Fla. 32202. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 141052 (Sub-No. 1TA), filed June 18, 1975. Applicant: PEARL TRUCKING COMPANY, a division of Pearl Brewing Company, Inc., P.O. Box 1661, San Antonio, Tex. 78296. Applicant's representative: William E. Collier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt liquor beverages* (other than in bulk), from San Antonio, Tex., to points in Louisiana and Mississippi; (B) *Recyclable aluminum cans*, loose, bricleted, compressed or shredded, from points in Louisiana, to San Antonio, Tex., for 180 days. Supporting shipper: Pearl Brewing Company, Inc., P.O. Box 1661, San Antonio, Tex. 78296. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400, Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 141064 TA, filed June 18, 1975. Applicant: J. D. McCORKINDALE, doing business as J. D. TRUCKING, P.O. Box 1351, Escondido, Calif. 92025. Applicant's representative: J. D. McCorkindale (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meat and bone meal; cottonseed meal; grain; feed; corn; safflower meal; limestone meal*, in bulk, in hopper bottom dump vehicles in straight or mixed shipments with exempt commodities exempt under Section 203 (b)(6), between Phoenix, Casa Grande, Gila Bend, Summerton, Tollison, and Yuma, Ariz., and the facilities of the Escondido Valley Poultry Association at Escondido, Calif., for 180 days. Supporting shipper: Escondido Valley Poultry Association, 135 S. Quince St., Escondido, Calif. 92025. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1312, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141065TA, filed June 19, 1975. Applicant: MOON'S GARAGE, 8139 West Beaver St., Jacksonville, Fla. 32205. Applicant's representative: Lorense H. Blow, 6032 Robbins Circle South, Jacksonville, Fla. 32211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked and disabled vehicles and trailers*; (b) *Vehicles and trailers* as replacement for wrecked or disabled vehicles and trailers; (c) *Salvage or used parts* for vehicles and trailers when being transported on the same vehicle and at the same time as commodities set forth above; (d) *Repossessed vehicles*, between points in Florida on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan (east of Lake Michigan), Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shippers: There are approximately 25 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 141066TA, filed June 19, 1975. Applicant: DONALD G. CAMPBELL, doing business as DON CAMPBELL TRUCKING, Route #2, Box 166, Bixby, Okla. 74008. Applicant's representative: I. E. Chenoweth, 1300 Mid Continent Bldg., 409 S. Boston Ave., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sand and gravel*, from Tulsa County, Okla., to Chautauqua, Montgomery, Labette, Cherokee, Elk, Wilson, Neosho, and Crawford Counties, in Kans.; McDonald, Barry, Stone, Taney, Newton, Jasper, Barton, Dade, Lawrence, and Christian Counties in Mo.; Benton, Carroll, Boone, Marion, Washington, Madison, Newton, Crawford, Franklin, and Johnson Counties in Ark.; and railhead points in Tulsa County, Okla., and to Rogers, Muskogee, and Wagoner Counties in Okla., for water transportation; (B) *Chat and asphalt materials*, from Ottawa County, Okla., to points and places in Kansas, Mo., and Arkansas; and to railheads in Ottawa County for rail transportation; (C) *Coal*, from Craig, Nowata, Rogers, Wagoner, and Okmulgee Counties in Okla., to Wyandotte, Johnson, Leavenworth, Montgomery, Labette, Cherokee, Neosho, and Wilson Counties in Kans.; Buchanan County in Mo.; Lonoke, Little River, and Hempstead Counties in Ark.; Johnson, Tarrant, and Dallas Counties in Tex.; and to the railhead and water navigation system in Ottawa, Craig, Nowata, Rogers, Wagoner, Muskogee, and Okmulgee Counties in Okla., for 180 days. Supporting shippers: Bixby Sand & Gravel, L. C. Sinor, Partner, Box W, Admiral Station, Tulsa, Okla. 74115. Arrowhead Asphalt Co., Corp., Jack Sharpenstein, Sr., V. P. Suite 310, First National Bank Bldg., Miami, Okla. 74354. Associated Producers Co., Douglas Klusmeyer, Mgr., 1170 N. Western Ave., Oklahoma City, Okla. Higgins Mining Co., Inc., A. Dale Smith, V. P. 7908 N.W. 23rd, Bethany, Okla. 73008. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

APPLICATION OF PASSENGERS

No. MC 111978 (Sub-No. 9TA), filed June 19, 1975. Applicant: BLACK & WHITE TRANSIT COMPANY, INC., P.O. Box 402, Grundy, Va. 24614. Applicant's representative: Joseph E. Blackburn, Jr., 706 Mutual Bldg., Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, mail, light express, and newspapers*, between Claypool Hill, Va., on the one hand, and, Bristol, Tenn., on the other hand, over Route 19 to Abingdon, Va., then over I-81 to Bristol, Tenn., serving all intermediate points, for 180 days. Supporting shippers: There are approximately 62 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011. Applicant intends to tack its existing authority with MC-111978, from Bluefield to Grundy and intermediate points (including Claypool Hill, Va.).

WATER CARRIER APPLICATION

No. WC 1282 (Sub-No. 2TA), filed June 17, 1975. Carrier: KEY WEST FERRY CORPORATION, 400 SW. First Ave., Miami, Fla. 33130. Carrier's representative: Richard B. Austin, 5255 NW. 87th Ave., Suite 214, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by water vehicle, as follows: *Passengers* with or without baggage, between ports in Dade, Broward, and Hillsborough, Fla., on the one hand, and, on the other, the ports of Key West and Marathon, Fla., and return by self-propelled vehicles, for 180 days. Supporting shippers: There are approximately 20 statements attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17680 Filed 7-7-75;8:45 am]

[Notice No. 67]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
J. J. Willis Trucking Co., MC-107993 Sub-27	MC-107993 Sub-28	Mar. 31, 1975
Garrison Motor Freight, Inc., MC-109324 Sub-27	MC-109324 Sub-28	Do.
Chemical Leaman Tank Lines, Inc., MC-110525 Sub-1095, Sub-1108	MC-110525 Sub-1101	Mar. 26, 1975
Purolator Courier Corp., MC-111729 Sub-407	MC-111729 Sub-420	Mar. 31, 1975
Purolator Courier Corp., MC-111729 Sub-423	MC-111729 Sub-429	Do.
Truck Transport, Inc., MC-115331 Sub-341	MC-115331 Sub-344	Mar. 24, 1975
George D. Ellis, MC-129205 Sub-3	MC-129205 Sub-2	Mar. 27, 1975
DBA Wheel Estate Movers, MC-129932 Sub-4	MC-129932 Sub-3	Mar. 21, 1975
Eyre's Bus Service, Inc., MC-134929 Sub-1	MC-134929 Sub-2	Mar. 25, 1975
Carolina Western Express, Inc., MC-136464 Sub-3	MC-136464 Sub-4	Mar. 27, 1975
Douglas H. West, MC-138395 Sub-3, Sub-6	MC-138395 Sub-4	Mar. 21, 1975
Chizek Elevator & Transport, MC-138420 Sub-10	MC-138420 Sub-8	Mar. 26, 1975
Smithway Motor Xpress, Inc., MC-138627 Sub-1	MC-138627 Sub-3	Do.
Snowball, Ltd., MC-138743 Sub-1	MC-138743 Sub-2	Mar. 21, 9175
Gregg Trucking, MC-139307	MC-139307 Sub-1	Mar. 26, 1975
Cobo, Inc., MC-139487	MC-139487 Sub-1	Mar. 21, 1975
H. G. Martin, MC-139687 Sub-1	MC-139687 Sub-2	Mar. 27, 1975
Arstan Trucking Inc., MC-139858 Sub-1	MC-139858	Apr. 9, 1975

[SEAL]

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17521 Filed 7-7-75;8:45 am]

[Notice No. 68]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Tajon, Inc., MC-5470 Sub-96, Sub-97	MC-5470 Sub-100	June 19, 1975
The Mason Dixon Lines, MC-59583 Sub-147	MC-59583 Sub-148	Do.
Blue Ridge Transfer Co., MC-63417 Sub-67	MC-63417 Sub-70	Do.
Wilson Trucking Corp., MC-64600 Sub-43	MC-64600 Sub-44	Do.
Sharron Motor Lines, Inc., MC-97310 Sub-17	MC-97310 Sub-18	Do.
Schilli Motor Lines, Inc., MC-106674 Sub-135, Sub-136	MC-106674 Sub-138	June 24, 1975
Schilli Motor Lines, Inc., MC-106674 Sub-125	MC-106674 Sub-133	Do.
Miller Transporters, Inc., MC-107002 Sub-439	MC-107002 Sub-440	June 18, 1975
C & D Transportation Co., MC-109326 Sub-105	MC-109326 Sub-106	June 19, 1975
J & M Transportation Co., MC-115311 Sub-133, Sub-157	MC-115311 Sub-134	June 18, 1975
Diamond Transportation, MC-123048 Sub-287	MC-123048 Sub-295	June 19, 1975
Brink's, Inc., MC-124328 Sub-65	MC-124328 Sub-67	June 24, 1975
D.b.a. Morgan Trucking Co., MC-125254 Sub-22	MC-125254 Sub-23	Do.
Road Runner Trucking, Inc., MC-125996 Sub-45, Sub-46	MC-125996 Sub-48	June 19, 1975
Banana Shipping Service, MC-128073 Sub-3	MC-128073 Sub-2	June 24, 1975
Tom Inman Trucking, Inc., MC-129032 Sub-9, Sub-10	MC-129032 Sub-11	June 19, 1975
A. T. Pinto, Inc., MC-129159 Sub-4	MC-129159 Sub-3	June 20, 1975
D.b.a. Evergreen Express, MC-129350 Sub-42	MC-129350 Sub-50	Do.
Parks Transport, Inc., MC-133219 Sub-8	MC-133219 Sub-9	June 24, 1975
Davinder Freightways, Ltd, MC-134060 Sub-9	MC-134060 Sub-11	Do.
North Star Transport, Inc., MC-134145 Sub-51	MC-134145 Sub-52	June 18, 1975
Breen Trucking, Inc., MC-135913 Sub-3	MC-135913 Sub-4	June 23, 1975
Robco Transportation, Inc., MC-136786 Sub-27	MC-136786 Sub-38	June 20, 1975
Robco Transportatiou, Inc., MC-136786 Sub-37	MC-136786 Sub-59	June 18, 1975
D.b.a. Werner Enterprises, MC-138328 Sub-5	MC-138328 Sub-6	June 20, 1975
D.b.a. Prince Trucking, MC-139333	MC-139333 Sub-1	Do.
Stu's Unloading Service, MC-139524	MC-139524 Sub-1	June 18, 1975
Waddick Transport, Ltd., MC-139846 Sub-1	MC-139846 Sub-139846	Do.
R. B. Stucky & N. M. Stucky, d.b.a. MC-139905 Sub-1	MC-139905 Sub-2	June 17, 1975
George H. Nelson, d.b.a., MC-139924	MC-139924 Sub-1	June 20, 1975
John L. Smith, MC-140166 Sub-1	MC-140166 Sub-2	June 23, 1975

[SEAL]

JOSEPH M. HARRINGTON,
Acting Secretayr.

[FR Doc.75-17522 Filed 7-7-75;8:45 am]

federal register

TUESDAY, JULY 8, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 131

PART II

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

AMERICAN ALLIGATOR

Endangered and Threatened Wildlife; Reclassification

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposal To Reclassify the American Alligator

The Director, U.S. Fish and Wildlife Service, hereby issues a notice of proposed rulemaking which would reclassify the American Alligator (*Alligator mississippiensis*) from its present listing as Endangered throughout its entire range, to remove it from endangered or threatened status entirely in Cameron, Vermilion, and Calcasieu parishes in Louisiana; to reclassify it as threatened in Alabama, Florida, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu parishes), Mississippi, and Texas; and to leave it classified as endangered throughout the remainder of its range. This rulemaking also would authorize limited, lethal removal of dangerous alligators to protect human lives and property; authorize controlled harvest for scientific or conservation purposes in restricted areas; and control the commercial utilization of de-listed alligators through "similarity of appearance" rules, all to enhance long-range conservation objectives for this species as a renewable, natural wildlife resource. A prime management objective will be to attain and maintain optimum sustained populations.

Background

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination expressed concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531–1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that populations of the alligator "in the southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, be removed from the Secretary of the Interior's list of threatened and endangered species; that in the south-central and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged.

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the Federal Register on July 16, 1974 (39 FR 26050). Simultaneously, the Governors of States in which alligators are resident were notified of the review and were requested to supply data relative to the status of the species in their respective States.

This review obtained evidence that the American alligator is making encouraging gains in population over much of its known historical range and that significant losses of populations have occurred only in geographically peripheral and possibly ecologically marginal areas. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development is resulting in increased human-alligator conflicts and control of certain populations is needed to avoid increased public hostility to the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socioeconomic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicates that, in the areas defined above, the primary threats to the alligator populations are not biotic but rather the absence of adequate regulatory and enforcement mechanisms (1) to prevent malicious killing and illicit commercially-oriented killing and (2) to control the illegal commerce in products. Malicious killing stems to a large degree from public hostility and fear, and to a certain extent could be ameliorated through public education. Illegal, commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are unrealistic in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward developing effective methods for controlling the commerce in parts and products of legally taken alligators would permit the realization of acceptable management procedures and a realistic reappraisal of the population status of the alligator. The populations defined above now are at the point whereby the species probably would be best served by returning it to more flexible management programs aimed at the attaining and maintaining optimum sustained populations.

Description of the Proposal

As a result of this review, the Director finds that there are sufficient data to warrant a proposed rulemaking that (1) the alligator is neither endangered nor threatened in Cameron, Vermilion, and Calcasieu parishes, Louisiana; (2) the alligator is a threatened species in Alabama, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu parishes), Mississippi, and Texas; and the alligator is an endangered species in all other parts of its range.

Generally, the proposed regulations vary according to the need of the alligator populations involved. These regulations would allow Federal officers, State officers or persons authorized by the State wildlife agency to take dangerous alligators in areas where the species is listed as threatened, and would permit the State to place hides or other parts of animals so taken into commercial trade through controlled channels. In areas where the alligator is neither endangered nor threatened, the species is no longer under Federal control, and alligators could be taken in accordance with State law. The marketing of alligator products from a legal, State-controlled hunt, would be strictly controlled under a Federal licensing and marketing system, which is accomplished by matching the regulatory program of the State of Louisiana with Federal rules governing interstate commerce in unlisted alligators under the "similarity of appearance" provision in section 4(e) of the Act. The control of commerce in products from the "similar," but not endangered or threatened, alligators will insure that this legal market does not become a "screen" for commerce in alligator products derived from poaching on endangered or threatened alligators. The import and export of alligators or alligator products would be prohibited. Although the alligator would be removed from the endangered list in much of its range, it actually would have more Federal protection than it had prior to December 28, 1973, when the Endangered Species Act became effective.

More specifically, the proposal would amend all of the existing subparts of Part 17, changing the structure of Part 17 radically in some places. The rules relisting the alligator, providing for its conservation where it is threatened, and protecting endangered and threatened populations by controlling commerce in "similar" alligators, are woven throughout the restructured Part 17.

Subpart A (Introduction and General Provisions) would be amended by adding a series of definitions necessary for the proper implementation of the Act. Of note are the definitions of "harass" and "industry and trade." These definitions are intended to clarify the scope of the prohibition on taking, and on interstate commerce. The amended Subpart A would also provide rules to implement the two major exemptions in the Act—Alaskan natives and wildlife held prior to the Act. Subpart A would also establish criteria for two new and very important aspects of the conservation of endangered and threatened wildlife—the rules on similarity of appearance and the rules on captive, self-sustaining populations.

The rules on similarity of appearance, which are central to this alligator proposal, arise from section 4(e) of the Act. That section provides, essentially, that wildlife which is neither endangered nor threatened can be treated if it were classified in one of these two categories, to the extent deemed necessary, in order to prevent further danger to such wildlife due to the inability of law enforcement personnel to distinguish between them. Section 17.7, as proposed, lists the criteria for deciding that a given species is similar to a listed species. Rules to determine the extent to which the similar species will be treated as endangered or threatened are in Subpart E.

Section 17.8 contains a proposal which would allow the Director to determine that a given captive population of otherwise endangered species constitutes, in fact, a separate, self-sustaining population which warrants treatment as threatened wildlife. Thus, for example, if a given species was very rare in the wild, but had been successfully bred in captivity in the United States, it might qualify as a separate "species" within the meaning of the Act. If this "species" was sufficiently self-sustaining so that its continuance would not be a significant drain on wild populations, then it could be treated as if it was a threatened species. This would mean that it would be subject to the more liberal permit regulations under Subpart D (Threatened Wildlife), or might even be the subject of a special rule in that subpart. This would enhance captive breeding efforts as well as allow legitimate uses of such wildlife, by loosening some of the restrictions on interstate movement of the individual animals.

Subpart B would be amended to establish a clear distinction between the lists of endangered wildlife established under the former Act—the Endangered Species Conservation Act of 1969—and the present Act. While all species listed under both Acts are fully protected by the present Act and regulations, it was Congress' intent that all the species on the list from the 1969 Act be reevaluated under the present Act. The alligator will be the first such reevaluation. Under the proposal, as species are reevaluated, they will be moved from the "old" lists in §§ 17.11 and 17.12, and re-established as appropriate on the "new" list in § 17.13. This "new" list has a revised format intended to consolidate all the pertinent information on the species in question. In addition, "similar" species and captive, self-sustained populations will be indicated on the "new" list. Also, the list will be footnoted to indicate species under the jurisdiction of the Department of Commerce. Eventually, this new listing format will enable any person to find out what treatment, if any, is given to the wildlife in which he is interested, simply by scanning the list.

Subpart C (Endangered Wildlife), as proposed, is virtually identical in outline to the proposed rulemaking already published on May 20, 1975 (See 40 FR 21977). The sections on permits (§§ 17.22 and 17.23) are in fact identical. However, § 17.21, which describes the prohibitions, has been expanded to clarify some of the prohibitions. It also provides certain exemptions, based on the authority provided in the Act, for acts which would otherwise be prohibited—such as the "taking," by capture of an injured animal, of an endangered animal in an emergency to save the animal's life.

Subpart D (Threatened Wildlife) would be amended by completely replacing the existing Subpart D which contains 3 species of kangaroos presently. The new Subpart D would establish a set of blanket prohibitions for threatened wildlife. These are the same prohibitions that the Act provides for endangered wildlife. Thus, unless another rule is provided specifically in this subpart, a threatened species will be protected as if it was endangered. The new Subpart D would then provide for permits for any threatened wildlife. These permits would be more liberal than permits available under Subpart C (See proposed §§ 17.22 and 17.23) for endangered wildlife, in that they would be available for more purposes, and the strict procedural rules for endangered wildlife permits would not apply.

The major change in the proposed Subpart D is the establishment of series of sections for special rules on each group of wildlife. Thus, as with alligators, the prohibitions and permits provisions of §§ 17.31 and 17.32 apply, except as otherwise provided in the special rules in § 17.35(a).

The proposal would establish a new Subpart E on Similarity of Appearance. As explained above, if the Director determined, pursuant to the Act and to § 17.7 of this proposal, that a given species, such as alligators in Cameron, Vermilion, and Calcasieu parishes in Louisiana, is so similar to a listed species as to cause further threats to the listed species, the rules in this subpart would provide the extent to which the similar species would be treated as endangered or threatened. Basically, there are three types of treatment proposed. First, the similar species could be treated (under § 17.51) as if it was endangered or threatened. In that case, all the rules for endangered or threatened species would apply equally to the similar species. If the situation was such, however, that a given specimen could be distinguished from the endangered or threatened species by documentation of its origin, for instance, the Service could provide that § 17.52 would apply. In that case, a permit could be obtained for transactions with the similar species. Third, as in the case of alligators, a special rule might be provided in lieu of a permit procedure, in order to distinguish the similar species from the endangered or threatened species.

Alligators and the Similarity of Appearance Provision

In connection with this proposal, the Director has made several findings in regard to alligators. First, he has found that in accordance with section 4(e) of the Act, alligators from Cameron, Vermilion, and Calcasieu parishes in Louisiana, which it is proposed are neither endangered nor threatened, are similar in appearance to alligators which are endangered or threatened. In fact, the only time when such alligators can be distinguished from other alligators is when they are in the wild in the three named parishes. Since alligator poaching, and the subsequent trading in alligator hides and products, is a major factor in the threat to endangered and threatened alligators, the Director has found it necessary to propose these rules to control the interstate trade in alligator hides and products, and to prohibit the import and export trade.

The Director has also reviewed the laws and proposed regulations and programs for the conservation of the alligator in the three parishes to be de-listed. These laws, regulations and programs provide for a controlled hunt by licensed hunters, and for an elaborate system of hunter verification and shipping tags. This system of controls, besides being proper for the utilization and conservation of the alligator as a renewable resource, provide a means of distinguishing alligators legally taken in the area where they are neither endangered nor threatened, from alligators which are endangered or threatened. Based on this State system, the proposed rules in Subpart E (Similarity of Appearance) provide a method for continuing this distinction in interstate commerce. They provide for the Federal licensing of buyers, tanners, and fabricators of alligator hides. Each licensee would have to keep special records based on the State tags, and would be subject to inspection. In addition, every fabricated product would bear a special Federal mark, denoting that it was made from the hides of legally taken alligators which were neither endangered nor threatened. This would allow enforcement personnel to distinguish these alligator hides and products from endangered or threatened alligator hides and products, at every stage of processing and interstate marketing.

Future Amendments

If this proposal is adopted, the proposals which are now outstanding, such as those on the grizzly bear, three species of western trout, and others, will be amended, after adoption, to fit into this framework. Also, the existing regulations dealing with kangaroos will be reformed, in structure only, in the final rulemaking on this proposal. Further regulations for the licensing of all importers and exporters of wildlife, under section 9(d) of the Act, for the establishment of export controls under section 9, for new forfeiture procedures under section 11, and for "similarity of appearance" treatment for other species, will be forthcoming. In addition, the Service will continue its active review of the status of many species. Proposals to list, to reclassify, or to delist various species will also be forthcoming.

PUBLIC COMMENTS SOLICITED

The Director intends the final rulemaking to provide for the most effective conservation of the alligator. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules.

The final rulemaking and promulgation of alligator regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal. The Fish and Wildlife Service has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than September 8, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dated: June 27, 1975.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Title 50 CFR as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

1. Retitle Part 17 of Subchapter B of CFR Chapter I to read as set forth above.

2. Amend the table of sections to read:

Subpart A—Introduction and General Provisions

Sec.
17.1 Purpose of regulations.
17.2 Scope of regulations.
17.3 Definitions.
17.4 Pre-Act wildlife.
17.5 Alaska natives.
17.6 State cooperative agreements [Reserved].
17.7 Similarity of appearance.
17.8 Captive, self-sustaining populations.

Subpart B—Lists

17.11 Endangered foreign wildlife—1969 Act.
17.12 Endangered native wildlife—1969 Act.
17.13 Endangered and threatened wildlife—1973 Act.
17.14 Endangered and threatened plants—1973 Act [Reserved].
17.15 Amendments to the lists.

Subpart C—Endangered Wildlife

17.21 Prohibitions.
17.22 Permits for scientific purposes, or for the enhancement of propagation or survival.
17.23 Economic hardship permits.

Subpart D—Threatened Wildlife

Sec.
17.31 Prohibitions.
17.32 Permits.
17.33 Special rules—mammals [Reserved].
17.34 Special rules—birds [Reserved].
17.35 Special rules—reptiles.
17.36 Special rules—amphibians [Reserved].
17.37 Special rules—fishes]Reserved[.
17.38 Special rules—mollusks [Reserved].
17.39 Special rules—crustaceans [Reserved].
17.40 Special rules—insects [Reserved].
17.41 Special rules—other forms [Reserved].

Subpart E—Similarity of Appearance

17.50 General.
17.51 Treatment as endangered or threatened.
17.52 Permits.
17.53 Special rules—general.
17.54 American alligator.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Subpart A—Introduction and General Provisions

3. Amend § 17.1 by deleting the present language and replacing it with the following:

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also, in §§ 17.11 and 17.12, carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969, 83 Stat. 275, 16 U.S.C. 668cc–1 to 6, which are deemed endangered species under section 4(c)(3) of the Act.

(c) The regulations in this part provide general and special protective regulations for threatened species of wildlife.

4. Amend § 17.2 to read as follows:

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in Subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and for the purpose of explaining the intent and meaning of the regulation to which they refer. They have no legal significance.

5. Add the following new §§ 17.3, 17.4, 17.5, 17.6, 17.7, and 17.8 to Subpart A, reading as follows:

§ 17.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 17:

"Act" means the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884);

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups such as cooperatives, is permitted so long as no large scale mass production results;

"Harass" in the definition of "take" in the Act means an act which either actually or potentially harms wildlife by killing or injuring it, or by annoying it to such an extent as to cause serious disruption in essential behavior patterns, such as feeding, breeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harass;"

"Industry or trade" in the definition of "commercial activity" in the Act means

the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

"Native village or town" means any community, association, tribe, clan or group;

"Specimen" means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

"Subsistence" means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transporation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in Subparts C and D of this Part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided,*

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species) in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the law. The hunter was not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973, and the leopard is listed as endangered in § 17.11 in June 1974.

(b) There shall be a rebuttable presumption that any wildlife involved in a prohibited act was not held in captivity or in a controlled environment on December 28, 1974, and therefore is not exempt from the prohibitions defined in Subparts C and D of this Part 17.

(c) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

(1) The affiant's name and address;

(2) Identification of the affiant;

(3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;

(4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;

(5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding, that is to establish that no commercial activity was involved.

(d) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of Subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of Subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village;

if the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Similarity of appearance.

(a) Whenever the Director determines that wildlife which is not endangered or threatened closely resembles endangered or threatened wildlife, such wildlife shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such wildlife shall appear in the list in § 17.13, with the notation "S/A" in the "current status" column, followed by either a letter "E" or a letter "T" in parentheses, to indicate whether the wildlife is being treated as endangered or threatened. The extent to which the wildlife is treated as endangered or threatened, including any exceptions to such treatment, is determined by the provisions in Subpart E of this Part 17.

(b) The determination that wildlife is to be treated as endangered or threatened due to similarity of appearance shall be made by regulation.

(c) In determining whether to treat wildlife as endangered or threatened due to similarity of appearance, the Director shall consider the following factors:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the wildlife in question from endangered or threatened wildlife, especially where: (i) The distinction between the endangered wildlife and other wildlife is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the wildlife is minute, or can be easily masked, or would not be apparent when products are processed;

(2) The additional threat posed to the endangered or threatened wildlife by the loss of control occasioned because of the similarity of appearance;

(3) The amount of control over transactions involving endangered or threatened wildlife to be gained either by: (i) Imposing the same prohibitions on the wildlife which is similar as applies to the endangered or threatened wildlife, or (ii) providing where the wildlife is treated as threatened, special rules in Subpart D of this part to distinguish the similar wildlife from the endangered or threatened wildlife.

Example 1. The ABC sparrow is endangered wildlife. The ABD sparrow is a subspecies that

is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in § 17.13, after following the proper procedures as follows:

§ 17.13(h)

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
ABC sparrow	*ABCus*	North America	E	Entire	Apr. 6, 1976	N/A
ADB sparrow	*ABDus*	Wherever found	S/A(E)	N/A	do	N/A

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a "species." The ABC sparrow which occurs beyond those boundaries is a different "species", even though it is identical, except in location, to the listed "species." If the criteria of this section were met, the two "species" could be listed as follows:

§ 17.13(h)

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
ABC sparrow	*ABCus*	Idaho	E	Entire	July 4, 1976	N/A
Do	do	Wherever found outside of Idaho.	S/A(E)	N/A	do	§ 17.32

§ 17.8 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened wildlife and may be listed in § 17.13. Each such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered wildlife was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b)(1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

(1) The approximate number of specimens of that species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the subject species was undertaken;

(7) The ratio of wild born versus captive born specimens of the subject species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.32, for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

Example. Although the XY pheasant is listed as endangered wildlife, the Director determines that there exists in the United States a captive, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed as follows:

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
XY pheasant	*Gigantus smallus*	Southeast Asia	E	Entire	Dec. 31, 1972	N/A
Do	do	United States	C/P(T)	N/A	do	§ 17.34

Subpart B—Lists

6. Add the following new paragraph (a) to § 17.11, reading as follows, and reletter and amend the existing portion as paragraphs (b) and (c):

§ 17.11 Endangered foreign wildlife—1969 Act.

(a) The species listed in this section were listed as endangered pursuant to the Endangered Species Conservation Act of 1969. Under section 4(c)(3) of the Act, they are deemed to be endangered species within the meaning of the Act. Therefore, all the provisions of this Part 17 which apply to endangered species apply to the species listed in this section. As the process of republication to conform with the classifications of the Act goes on, species will be deleted from this section and will be added, as appropriate to the list in § 17.13.

* * * * *

7. Add the following new paragraph (a) to § 17.12, reading as follows, and reletter and amend the existing portion as paragraphs (b) and (c):

§ 17.12 Endangered native wildlife—1969 Act.

(a) The species listed in this section were listed as endangered pursuant to the Endangered Species Conservation Act of 1969. Under section 4(c)(3) of the Act, they are deemed to be endangered species within the meaning of the Act. Therefore, all the provisions of this Part 17 which apply to endangered species apply to the species listed in this section. As the process of republication to conform with the classifications of the Act goes on, species will be deleted from this section and will be added, as appropriate to the list in § 17.13.

* * * * *

8. Delete the entry on the list in § 17.12 reading "Alligator, American; *Alligator mississippiensis.*" The new entry will be found in § 17.13.

9. Add the following new §§ 17.13 and 17.14 to Subpart B, reading as follows:

§ 17.13 Endangered and threatened wildlife—1973 Act.

(a) The list in this section contains all the wildlife which is determined to be endangered or threatened by the Director or by the Secretary of Commerce. It also contains wildlife treated as endangered or threatened because it is similar in appearance to an endangered or threatened species (see § 17.7) or because it constitutes a captive, self-sustaining population (see § 17.8).

(b) The columns entitled "Common name", "Scientific name" and "Geographic boundaries (Range)" define the species of wildlife within the meaning of the Act. Thus, two different geographic populations of the same subspecies or species will be identified by their differing geographic boundaries, even though the common and scientific names are identical for both entries. Since the geographic boundaries are part of the description of the species, the prohibitions in the Act and in this Part 17 apply only to the species in the wild as defined by its geographic boundaries. Captive specimens of the species will be treated as appropriate under the similarity of appearance rule in § 17.7. Although common names are included, they cannot be relied upon for identification of any specimen, since they vary greatly in local usage.

(c) The "current status" column shows whether the species is considered

endangered (E) or threatened (T). A key is also provided to indicate that a species is to be treated as endangered or threatened due to similarity of appearance (S/A) or a species which is considered threatened because it is a captive, self-sustaining population (C/P).

(d) The column entitled "Portion of the range where endangered or threatened" designates that proportion of the range of species over which it is endangered or threatened. The Act requires that the species must be endangered or threatened over all or a significant portion of its range in order to be listed.

(e) For information purposes only, the "When listed" column provides a citation to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(f) The "special rules" column is a reference to any special rules in this Part 17 relating to the wildlife. There may be other rules in this Subchapter B (Parts 10–22) that also relate to such wildlife, such as port-of-entry requirements, etc. It is not intended that the references in the "Special rules" column list all the regulations of the Service which might apply to the wildlife in question, or the regulations of other Federal, State or local agencies.

(g) (1) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

(2) The letters "N/A" appearing in any column means "not applicable."

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries (range)				
American alligator.	*Alligator mississippiensis.*	Entire United States outside of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas.	E	Entire		N/A
Do	do	States of Alabama, Florida, Georgia, Louisiana (except Cameron, Vermillion, and Calcasieu parishes), Mississippi, South Carolina, Texas.	T	do		§ 17.36(a)
Do	do	Cameron, Vermillion, and Calcasieu Parishes in Louisiana.	S/A(T)	NA		§ 17.53(a)
Do	do	All captive	S/A(T)	NA		N/A

§ 17.14 Endangered and threatened plants—1973 Act. [Reserved]

§ 17.15 Amendments to the lists.

(a) The lists in §§ 17.13 and 17.14 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status. The Director may also delete species from §§ 17.11 and 17.12 and, if appropriate, re-establish them in § 17.13 in the proper classification following the procedures specified in the Act.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director (FWS/SE). The petition must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";

(4) Designation of the particular species in question by common and scientific names;

(5) Narrative explanation of the request for review and justification for a change in the status of the species in question.

(6) Scientific, commercial, or other data believed to support the request; and

(7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

10. Change the title of Subpart C to "Endangered Wildlife," delete present § 17.21 and replace with the following new § 17.21 and amend §§ 17.22 and 17.23 to read as follows:

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any officer or employee of the Federal, State or local government may take any emergency action to protect human life or to aid an injured or sick endangered or threatened specimen, or to dispose of the dead body of an endangered or threatened specimen.

(d) *Possession and other acts with unlawfully taken wildlife.* It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carriers a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific research or for enhancing the

propagation or survival of endangered wildlife.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director, in order to prevent undue economic hardship, may issue, in accordance with the issuance criteria of this section, a permit authorizing any activity otherwise prohibited by § 17.21 above.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter and all of the information required in § 17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which;

(i) Deals specifically with the wildlife sought to be covered by the permits; and

(ii) Became binding prior to the date when the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied; and

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and its relationship to the balance of his income; and

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant;

(8) The likelihood that the applicant can reasonably carry out his desired activity within 1 year from the date when the notice either to review the status of such wildlife or to list such wildlife as endangered sought to be covered by the permit was published in the FEDERAL REGISTER, whichever was earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediatley reported to the Service's Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit, but no permit issued under this section shall ever be valid for more than 1 year from the date when the notice either to review the status of such wildlife or to list as endangered the wildlife covered by such permit was published in the FEDERAL REGISTER, whichever is earlier.

Subpart D—Threatened Wildlife

11. Amend Subpart D by deleting the present sections 17.31 and 17.32, and replacing them with the following new sections:

§ 17.31 Prohibitions.

Except as provided in Subpart A of this part, or as otherwise provided in this subpart by permit or by special rule, all of the prohibitions in § 17.21 shall apply to threatened wildlife.

§ 17.32 Permits.

The Director may issue permits for any activity otherwise prohibited with regard to threatened wildlife. Such permits shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.33 to 17.41, below, provides otherwise. Permits issued under this section must be for one of the following purposes: Scientific purposes, or the enhancement of propagation or survival; or Economic hardship; or Zoological exhibition; or Educational purposes; or Management by State conservation agencies; or Special purposes consistent with the purposes of the Act.

(a) *Application requirements.* Application for permits under this section shall be submitted by the intended recipient of the wildlife to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter and the information required in § 17.22.

(b) *Issuance criteria.* Upon receipt of an application completed in accordance with paragraph (a) of this section, the Director will decide whether a permit should be issued. In making his decision, he must consider the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproduction ability of the wildlife;

(2) In the case of captive, self-sustaining populations, whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The tenure of permits issued under this section shall be designated on the face of the permit, but in no case shall extend for more than 2 years from the date of issuance. Such permits are renewable.

§ 17.33 Special rules—mammals. [Reserved]

§ 17.34 Special rules—birds. [Reserved]

§ 17.35 Special rules—reptiles.

(a) *American alligator (Alligator mississippiensis).* (1) Any threatened American alligator may be taken without a permit by an officer, employee, or Agent of the State for the following purposes:

(i) To translocate, or where necessary to destroy, specimens which constitute a danger to human life, or which constitute an imminent threat to property; or

(ii) To carry out research or conservation activities.

(2) The parts of American alligators taken pursuant to paragraph (a)(1) of this section, or which are obtained by the State in the course of law enforcement activities, may be sold, offered for sale, delivered, received, carried, transported or shipped in interstate commerce in the course of a commercial activity, provided these activities are done in accordance with § 17.54.

§ 17.36 Special rules—amphibians. [Reserved]

§ 17.37 Special rules—fishes. [Reserved]

§ 17.38 Special rules—mollusks. [Reserved]

§ 17.39 Special rules—crustaceans. [Reserved]

§ 17.40 Special rules—insects. [Reserved]

§ 17.41 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

12. Add a new Subpart E entitled "Similarity of Appearance," and reading as follows:

§ 17.50 General.

(a) Whenever a species is determined, pursuant to § 17.7, to be similar in appearance to endangered or threatened wildlife, the "current status" column of § 17.13(h) will show the notation "S/A." The notation will be followed by either an "E" or a "T" in parentheses to designate the treatment of the species, as either endangered ("E") or threatened ("T").

(b) The extent to which treatment as endangered or threatened is applied is determined by the reference in the "special rules" column of § 17.13(h), and the following sections of this subpart.

§ 17.51 Treatment as endangered or threatened.

(a) Whenever the "special rules" column of § 17.13(h) is marked "N/A" (not applicable), the similar species is treated in accordance with the parenthetical notation in the "current status" column as fully as if it was endangered or threatened.

(b) Whenever the "special rules" column of § 17.13(h) carries a reference to a special rule in Subpart D (Threatened Wildlife), the similar species is treated as

threatened to the extent provided in the special rule.

§ 17.52 Permits.

Whenever a species is designated "S/A" in § 17.13(h) and the reference in the "special rules" column of § 17.13(h) is to this section, the Director upon receipt of a complete application may issue permits in accordance with the issuance criteria of this section which relieves the holder of any restriction or prohibition in this Part.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it from any endangered or threatened wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

§ 17.53 Special rules—general.

Whenever the reference in the "special rules" column of § 17.13(h) is to one of the following sections, those sections will apply exclusively, in place of any other provision of this part. Those sections will provide specific methods of distinguishing the similar wildlife from endangered or threatened wildlife.

§ 17.54 American alligator (Alligator mississippiensis).

(a) The American alligator in Cameron, Vermilion and Calcasieu parishes in Louisiana shall be treated as threatened, and shall be subject to all the rules of Subpart D (Threatened Wildlife) including the special rule in § 17.35(a), except as provided in paragraph (b) of this section.

(b) American alligators excluding the manufactured products (other than tanned hides) taken in Cameron, Vermilion, and Calcasieu parishes in Louisiana in accordance with the laws and regulations of Louisiana, may be transported, shipped, carried, delivered, or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate commerce, by buyers, tanners or fabricators holding a license issued pursuant to this section.

(c) For the purposes of this section, the term:

(1) "Buyer" shall mean a person engaged in the business of buying and selling parts or products of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(2) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(3) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather or other parts of American alligators. A fabricator may also be a buyer and a tanner.

(d) The Director may, in accordance with the requirements, issuance criteria, and conditions of this paragraph issue licenses for the categories described in paragraph (c) of this section.

(1) *Application requirements.* Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (c) of this section, in accordance with Part 13 of this subchapter. In addition to the general information and certification required in § 13.12(a) of this subchapter, the following information must be supplied:

(i) The category (buyer, tanner, or fabricator) for which the license is desired;

(ii) A description of the applicant's business organization, including; a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(iii) A description, including samples, of the applicant's present or proposed system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(iv) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether a license for one of the three categories in paragraph (c) of this section should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the applicant's apparent ability to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(3) *Special conditions.* In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(i) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken and tagged in accordance with the laws and regulations of Louisiana, or obtained by the State in accordance with § 17.26(a).

(ii) A buyer must leave all State tags on the hides, unless he ships the hides outside the State of Louisiana, in which case he must remove and return to the State the stub of the verification tag, and the shipping tag;

(iii) A tanner must leave all State hunter and verification tags on the hides, but must collect, record, and return to the issuing agency all State shipping tags attached thereto, handled in any

(iv) A fabricator must remove, record, and return to the issuing agency, all State hunter and verification tags;

(v) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity.

(vi) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(vii) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(e) Parts or products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (d)(3) of this section may be transported, shipped, delivered, carried or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate or foreign commerce.

(f) Any person possessing the hides of American alligators lawfully obtained prior to December 28, 1973, may be sold, shipped, delivered, transported and carried in interstate commerce to a buyer, tanner or fabricator licensed under paragraph (d) of this section provided that a State official certifies to the Director that all such hides were lawfully obtained, and can identify all such hides.

(g) No person shall, except as authorized pursuant to this section, duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

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PART III

CIVIL AERONAUTICS BOARD

■

Evaluation of Economic Behavior and Other Consequences of Civil Aviation System Operating With Limited or no Regulatory Constraints

CIVIL AERONAUTICS BOARD

[Docket No. 28048]

EVALUATION OF ECONOMIC BEHAVIOR AND OTHER CONSEQUENCES OF CIVIL AVIATION SYSTEM OPERATING WITH LIMITED OR NO REGULATORY CONSTRAINTS

Advance Notice of Proposed Actions

Notice is hereby given that the Civil Aeronautics Board has under consideration a series of actions designed to assess economic behavior and other consequences of a civil aviation system operated in an environment having limited or no regulatory constraints. The proposed actions will constitute a series of experiments for the purpose of providing information and guidance to the Board, Congress, the Executive Branch, the civil aviation industry and the public as to future commercial aviation regulatory policies.

This Advance Notice is being issued to invite comment on the Board's proposed actions by the general public, Congress, the aviation industry (including air carriers, manufacturers, financial institutions, and travel agents), interested governmental agencies, communities, and organizations representing labor and consumer interests.

Certain materials will constitute initial comments to be incorporated into this proceeding. The foremost is the "Report of the CAB Special Staff on Regulatory Reform," the independent internal CAB staff study to be issued in July, 1975.[1]

Although we shall consider all comments submitted, we look forward with particular interest to comments which address the following:

1. What specific markets, city-pairs, or satellite airports would best serve the purposes of the experimental program within the constraints outlined.

2. What types of data should be collected, monitored and measured.

3. What further procedures, if any, are necessary or recommended for implementation of the suggested experimental program.

4. Identification of any aspects of the suggested experimental program (a) which may not represent a valid test of likely results under a system of freer entry and pricing nationwide, or (b) which may not generate and permit the collection of useful data, together with any recommended modifications in the proposed experimental program to improve the validity of the test.

5. What alternate program of experimentation might better serve as a valid test of the desired areas of inquiry than the experimental program suggested herein.

6. In terms of the suggested program of experimentation or the commenter's recommendations as to modifications therein, what, if any, specific legal constraints exist?

The purpose of this proceeding and the nature of the proposed actions are discussed in the attachment, "A Proposed Means of Evaluating The Consequences of Changed Approaches to Economic Regulation of The Domestic Commercial Air Transportation System, Prepared by The Staff of the Civil Aeronautics Board and Harbridge House, Inc., Boston, Massachusetts, July 1975". This action is being taken to consider the possible commencement of other proceedings, the issuance of rules, and the taking of various other actions by the Board, all under the authority of The Federal Aviation Act, as amended.

Interested persons may participate in this proceeding by submitting twelve (12) copies of written data, views or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 15, 1975, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt therefor.

Individual members of the general public who wish to express their views may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

Dated: July 7, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

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[1] Other materials are: "Airline Regulation by the Civil Aeronautics Board," Report of the Senate Subcommittee on Administrative Practice and Procedure (final report scheduled for issuance later this summer); "Consequences of Deregulation of the Scheduled Air Transport Industry, An Analytical Approach," The Air Transport Association of America (April, 1975); "Economic Regulation of Domestic Air Transport, Theory and Policy," George W. Douglas and James C. Miller III, (The Brookings Institution, 1975); The Brookings Institution; and "The Local Service Airline Experiment," George C. Eads (The Brookings Institution, 1972); "Airline Regulation in America: Effects and Imperfections," William A. Jordon (The Johns Hopkins Press, 1970); The Domestic Route System—Analysis and Policy Recommendations (A Staff Study by the CAB Bureau of Operating Rights—October 1974).

A PROPOSED MEANS OF EVALUATING THE CONSEQUENCES OF CHANGED APPROACHES TO ECONOMIC REGULATION OF THE DOMESTIC COMMERCIAL AIR TRANSPORTATION SYSTEM

PREPARED BY
THE STAFF OF THE CIVIL AERONAUTICS BOARD
AND
HARBRIDGE HOUSE, INC., BOSTON, MASSACHUSETTS

July 1975

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PART I. FRAMEWORK

A. Introduction

The issue of what kind of air transportation system we should have--regulated or unregulated--has been debated for nearly as long as we have had air service. It is not an issue that will resolve itself. If anything, time has intensified the debate and hardened opposing positions.

The economic problems we have in the nation today are caused in part, it is claimed, by the inflation factors built into regulated industries--particularly transportation industries, and most particularly, perhaps, air transportation. The time has come, therefore, to establish a process to resolve the regulation issue confronting commercial aviation. But resolution of what kind? In which direction should we move?

Some very knowledgeable people argue that the present system is outmoded and inefficient, and suggest immediate and fundamental changes. Equally knowledgeable people maintain that the system is basically sound and serves us well. Moreover, they warn that it is delicately balanced, and could be destroyed with injudicious tampering.

Still others see merit in aspects of both arguments. But they are uncertain about the consequences of pursuing a particular regulatory course, and concerned that essential information is missing. To this group, the following sequence of questions is offered:

- Is it desirable for the country to undertake fundamental changes in its approach to the regulation of commercial air transportation?

- If major changes are desirable, do we have an adequate information base to make them--to know what changes to make, and what consequences can be expected?

- Is it possible for the government to launch an effort to improve this information base and to undertake desirable changes, while minimizing hazards to the system and risk for the traveling public and the industry?

Doubt plainly attaches to the first and second questions. This doubt--plus a positive belief regarding the third question--is what has prompted this effort. The objective of the effort--put simply--is to construct a means of obtaining the data needed (i) to evaluate the consequences of the major changes that have been proposed in air transportation and (ii) to make the necessary decisions about their desirability.

B. Nature of the Debate: Overview

At its roots, the debate can be reduced to the question of what kind of commercial air transportation system is in the best national interest:

- An essentially unregulated system, which might operate in ways that could produce greater competition and different--higher and lower--fares and service levels in different parts of the system.

- A regulated system such as we have now, in which competition and fare levels are controlled, and uniform service is available to all areas of the nation.

As will be seen, definition of what the national interest objectives in air transportation are--or should be--is a pivotal point in the debate. The objectives are discussed below in Section D.

1. The Deregulators' Position

Critics of regulation argue that the industry has matured to a point where economic regulation is no longer necessary and has, in fact, become counterproductive: both unnecessarily restrictive and overly protective of currently certificated carriers.

Those who want to deregulate the system maintain that the primary goal of the air transportation industry, like any other, should be maximum economic efficiency. They believe that in the process of achieving this goal, which presumably would reduce fare levels, the industry would also achieve other desirable goals (system growth, system stability, efficient mail service, and so on). As they see it, therefore, paramount concern with economic efficiency is in the national interest.

Promotion of this goal, the deregulators argue, should also be the primary objective of the Civil Aeronautics Board. However, the objectives that have been established for the Board are at considerable--if not direct--variance with achievement of maximum economic efficiency. As things stand now, critics claim, the Board's mission is to maximize the number of city pair markets that receive air service, while ensuring that public subsidy is kept to a minimum and that the carriers earn an acceptable profit. But this mission has resulted in:

- Restricted competition leading to excessively high costs and inadequate choices of service in many cases.
- Excess capacity.
- Exploitation of profitable markets to subsidize unprofitable markets.
- Excessive investment in equipment and other resources by the carriers, and an uneconomical rate of new product development by aircraft manufacturers.

Critics claim that economic regulation is an obstacle to achievement of maximum economic efficiency; that it is not in the public interest and should be eliminated. (They do not favor elimination of safety regulation, but point out that Congress has already made this a separate activity to be performed by the Federal Aviation Administration.)

2. The Proregulators' Position

Supporters of regulation concede that the regulatory process could be improved. But they maintain that our air transportation system has, rightfully, always been seen as an instrument of social policy. As such, it requires both economic and safety regulation.

Proregulators point out that "just and reasonable" fares are only one of the many objectives which the law has established for the system. The others, such as providing for the national defense, the Postal System, and safety standards, are equally important, and the balance that the Board attempts to achieve among them is what best meets the public interest. Moreover, proregulationists reject the charges that the industry lacks competition and charges inflated rates. They claim that it is highly competitive and that rates are, in fact, significantly lower than rates for comparable service in other countries.

Their position is substantiated, supporters believe, by the health of our air transportation system, which has flourished within the existing regulatory framework. It provides safe, economic, and reliable service of a quality unmatched elsewhere in the world. They fear that to deregulate it, or to modify it in major ways, could destroy the strong, but highly interdependent network that has evolved, and substantially reduce service in many communities. They believe the deregulators are overly mechanical in their approach and do not take into account the benefits of a mature, interconnected system.

3. Who is Right?

Which side of the regulatory debate is correct?

The rationale for this effort lies in the belief that no one really knows. There has been a good deal of speculation on both sides and some evidence to support each position. But the evidence is not conclusive.

As a nation, we need to ask some hard questions and to obtain some hard answers about what is being suggested. The information should be complete enough to support reasoned decisions and substantial enough to satisfy reasonable people on both sides of the issue. But it should not be obtained at the risk of great damage to the system itself.

With the current level of service provided by our air transportation system at stake, the margin for speculation about regulation is slim. We could be dealing with changes in an $11 billion industry that is one of the major segments of our social and economic infrastructure. Before we undertake these changes, it seems prudent to have a better idea than we have now of what the consequences of these changes will be. To do otherwise would be irresponsible.

C. Approach and Scope of This Effort

1. Approach

This effort is conceived of as a continuing process, not a one-time endeavor to answer a few critical questions. It is anticipated that as one set of questions is answered, new questions will be surfaced and new data will be developed in a continuous, dynamic framework.

This effort will proceed in two tasks. The first task is to design an acceptable-risk method of obtaining the information we need. The second task is to implement the design and to present the findings as a basis for orderly decision-making. The first of these tasks will be completed here in three steps:

- Identification of the major changes being proposed to our air transportation system, and evaluation of the arguments made for and against these changes.

- Identification of the additional information that must be obtained--that is, the critical

questions that need to be asked--before decisions can be made.

- Design of a means for obtaining answers to these questions--an acceptable-risk means of evaluating the consequences of the proposed changes.

2. Scope

The scope of this effort has been deliberately limited to the major changes that have been proposed in the system. By and large, these have to do with regulatory policy rather than procedure. . . with whether we should regulate air transportation (or how much we should regulate it) rather than with how to regulate it. Many procedural changes in the regulatory process have been recommended by both deregulationists and proregulationists. The Board has recognized the need to address procedural issues and recently undertook a comprehensive review of this problem.[1]

This effort addresses the fundamental questions being raised regarding regulatory policy, and is therefore concerned with whether and what major policy changes should be made.

Within the area of policy, the scope has been further limited to consideration of changes proposed in the direction of deregulation, or less regulation, of the system. However, there is a substantial body of opinion to suggest that what the system needs is more regulation rather than less.

Much of the force of the deregulation argument stems from the belief that regulation is productive only for industries that are "natural monopolies" by virtue of (i) their size and importance to the growth of the total economy, (ii) economies

[1] On June 21, 1975, the Board announced that it would establish, consistent with the Federal Advisory Committee Act, the Board Advisory Committee on Procedural Reforms, a diverse group from outside government to analyze Board administrative procedures and make recommendations to the Board.

of scale, and (iii) the fact that competition does not work well in the industry. Public utilities fit this description, but air carriers do not. However, there are many people who believe that the air transportation industry comes close enough to this description to warrant consideration as a utility, and that it would be more efficient if it were regulated as a utility.

What this would mean essentially is that the Board, which now regulates price, entry, and route awards, would be authorized to extend its control over the supply side of the equation by regulating schedule frequency. Many see this as a logical and simple way to handle the problem of overcapacity and low load factors.

It has also been suggested that the Board should deal with the criticism that the carriers compete unproductively on service, by regulating on-board service: food and liquor service, seat pitch, and so forth. A more directive approach toward carrier mergers and route rationalization is also urged--even surveillance of the efficiency of carrier management and limitation of equipment purchases.

It would be unwise to overlook the potential productivity of such changes as these, and an experiment might well be conducted at some future date. However, changes in this direction, while potentially interesting and rewarding to explore, are not the subject of this effort.

D. Identification of the National Interest Objectives in Domestic Air Transportation

As noted above, the pivotal point on which the issue of regulation versus deregulation turns is, "Which system best serves the national interest?" However, to make this determination, it is first necessary to determine how the national interest has been defined--what the objectives established for domestic commercial aviation are.

This is not an easy task. Definition has come from many sources over the years, and there is considerable controversy about how the objectives should be interpreted and, indeed, whether the traditional objectives are still suitable. Nevertheless,

an effort to define and interpret the national interest objectives will be made here, drawing on a similar effort completed recently as part of a study of U. S. international air policy.[1]

1. Sources of National Interest Objectives

The primary source of national interest objectives in domestic aviation is the legislation established by the Congress--principally the Federal Aviation Act of 1958. However, statements of national policy issued by the executive branch and the decisions of the Board have assumed the force of common law in defining objectives. And other parties at interest have stated or assumed positions for so long that they have all but been accepted as fact. Thus, there are several sources of national interest objectives:

- Pronouncements of the legislative branch; for example, the Federal Aviation Act of 1958.
- Statements of the executive branch; for example, President Ford's Regulatory Summit Statement.
- Independent boards and agencies; for example, the Civil Aeronautics Board.
- Nongovernmental organizations and individuals; for example, the academic community, industry spokesmen, and public interest groups.

The objectives discussed here are drawn from these sources. They fall into two categories:

- Basic Objectives, which identify the end items that would provide a fundamental service to the country.
- Supportive Objectives, which describe the form that the domestic air transportation system (as derived from the basic objectives) will take.

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[1] Harbridge House, Inc., Simat, Helliesen & Eichner, Inc., and Kirkland, Ellis & Rowe, U.S. International Aviation Policy at the Crossroads, Vols. I and II, Boston, February 1975.

2. Basic Objectives Established for Commercial Air Transportation

- Respond to national defense needs.
- Respond to (needs of) domestic commerce.
- Respond to Postal Service needs.
- Foster just and reasonable fares.
- Foster system safety.
- Help the environment.
- Foster efficient use of energy.
- Respond to public demand
- Foster development of aeronautics.
- Foster employment.

3. Supportive Objectives Established for Commercial Air Transportation

- Allow equal opportunity for all carriers to compete.
- Foster sound economic conditions.
- Promote competition among carriers.
- Foster economy and efficiency of carriers.

4. Problems with the Objectives

While the foregoing are objectives currently in force, they need some definition and interpretation if they are to be useful in measuring the responsiveness of the system to the national interest.

For example, the Federal Aviation Act of 1958 states that the system will respond to the needs of the Postal Service. However, it does not state what a satisfactory response is. Is it low cost? Is it scheduled service? Is it a system covering all markets?

There are also conflicts among objectives. For example, under the existing rate making approach, the objective

of low and lower fares can be achieved only by lower total system costs. But where should costs be cut?

As another example, a large civil air fleet, in the interest of national defense, is clearly a worthwhile goal. If, however, as some would argue, minimum average fares by reason of maximum possible load factors becomes the goal, a lesser size, more utilized fleet may be the likely result.

Recent changes in national and world conditions have raised further doubts about what the stated or implied objectives actually mean in terms of, for example:

- Energy conservation.
- Environmental considerations.
- Scheduled service versus plane load service.
- Cross-subsidization of low density markets by high-density markets.
- Low and lower fares.

As noted above, deregulators consider the conflict among established national interest objectives an obstacle to developing an efficient system within the current structure. But their dissatisfaction is even more fundamental than this. They maintain that the fundamental and overriding objective for air transportation should be maximum economic efficiency. They do not disregard such goals as Postal Service needs or environmental concerns. But they believe that these goals could be met adequately, with much less government control, in a system that was devoted to achieving economic efficiency. They maintain that other goals--just and reasonable fares, competition, and so on--would be achieved far more successfully in such a system. Proregulators disagree strongly with this view.

In the final analysis, the kind of system--and regulatory structure--we have must be the one that supports the national interest objectives better than any other. Thus, while reexamination may be necessary, an effort has been made here to interpret the current objectives in terms of system performance. This interpretation is shown in Figure 1. The table states the

FIGURE 1
THE NATIONAL INTEREST OBJECTIVES DEFINED

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
BASIC OBJECTIVES			
1. Respond to National Defense Needs	--CAA of 1938 --FAA of 1958	--Long-range cargo and passenger aircraft available for emergencies and war situations.	--Number and type of aircraft in use.
2. Respond to Postal Service Needs	--CAA of 1938 --FAA of 1958	--Reasonable delivery time and reliable system for mail.	--Service penetration, passenger and all-cargo.
		--Reasonable rates.	--Average yields. --Degree of carrier competition.
3. Respond to Domestic Commerce	--CAA of 1938 --FAA of 1958	--Regularly scheduled passenger and cargo service between geographic areas and co-terminals.	--Service penetration, passenger and all-cargo. --Load factors (scheduled and all-cargo).
		--Support of tourist industry.	--Service penetration, passenger. --Load factors (scheduled and all-cargo). --Increase in traffic (scheduled, charter, and all-cargo).
4. Just and Reasonable Fares	--FAA of 1958	--No discrimination between classes of travelers.	--Average yields. --Fare structure discrimination.
		--No cross-subsidization between geographic areas.	--Average yields. --Fare structure discrimination.
		--Reasonable load factors.	--Load factors.
		--No excess carrier profits.	--Carrier profitability.

FIGURE 1 (Cont'd)

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
5. System Safety	--FAA of 1958	--No overloading of air traffic system.	--Carrier profitability. --Load factors.
		--No deterioration of aircraft maintenance and practices.	--Carrier profitability.
6. Help the Environment	--NEPA of 1970 --New legislation	--Promotion of new aircraft development and engine retrofits for cleaner and less noisy systems.	--Number and type of aircraft in use. --Carrier profitability.
		--Minimization of land-use needs (airports).	--Number and type of aircraft in use. --Load factors.
7. Energy Use	--Interviews --Current issue --FEAA of 1974	--Minimization of fuel needs.	--Total fuel consumed.
		--Optimization of fuel needs versus traffic.	--Fuel efficiency.
8. Respond to Public Demand	--FAA of 1958	--Meeting total demand for geographic areas and service - Point-to-point. - Nonstop. - Scheduled (F&Y). - Charter. - Behind and beyond.	--Service penetration, passenger and all-cargo (domestic). --Load factors. --Increase in traffic (scheduled, charter, and all-cargo).
		--At reasonable load factors.	--Load factors.
9. Development of Civil Aeronautics	--FAA of 1958	--Technological advancement.	--Number and type of aircraft in use.
10. Employment	--Full Employment Act of 1947	--Employment in U.S. air transportation industry.	--Number of U.S. citizens employed (carriers and supply and support industries).

FIGURE 1 (Cont'd)

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
SUPPORTIVE OBJECTIVES			
A. Equal Opportunity for All Carriers to Compete	--FAA of 1958	--No unjust discrimination. --No undue preferences or advantages. --No unfair or destructive competition.	--Market share. --Carrier profitability.
B. Foster Sound Economic Conditions	--FAA of 1958	--Scheduled, supplemental, and all-cargo carriers. --Total demand for aircraft.	--Carrier profitability.
C. Competition Among Carriers	--FAA of 1958	--More than one carrier per market.	--Degree of carrier competition. --Competitive balance.
D. Foster Economy and Efficiency of Carriers	--FAA of 1958 --1972 FAA Amendments	--Lowest fares consistent with service. --No excess carrier profits.	--Load factors. --Carrier profitability. --Average yields.

objective (Column 1); source (Column 2); what it means (our definition, Column 3); and how one could measure the responsiveness of the system to the objective (Column 4).

E. How the Industry Is Regulated

1. Background

Regulation of domestic air carriers has been a reality since the Air Commerce Act of 1926, which mandated registered aircraft, certificated pilots, lighted civil airways and navigation beacons, and penalties for noncompliance. In these early days of air transportation, such regulation responded in part to the government's program of air mail subsidy and in part to the plight of carriers whose operating costs for providing air service far outweighed their revenues.

As the air industry grew over the years, however, economic and safety regulations became more encompassing and more reflective of the related social, political, and military needs of the U.S. community. As the industry became more sophisticated, the air network increased, competition grew, and the regulatory emphasis shifted from the impact of single operators to the overall impact of the industry group.

Through the 1938 Civil Aeronautics Act, Congress set up the Civil Aeronautics Authority, an administrative arm for the authority, and the Air Safety Board. Under the provisions of this act, power was granted to determine route entry, to regulate carrier rates, and to develop and maintain safety standards. In 1940, the responsibilities of the Authority and the Board were transferred to the Civil Aeronautics Board, and Board and administrative powers became the Civil Aeronautics Administration of the Department of Commerce. By virtue of the 1938 Act, 16 operators were certificated and given what have come to be called "grandfather rights" --rights and to some extent obligations to serve the routes they were then serving. Over time, this number has contracted to the present 10 domestic trunks (plus Pan American), and many local service carriers (now 9), plus specialty (all-cargo and charter) carriers.

Under the Federal Aviation Act of 1958, Congress established a Federal Aviation Agency with responsibility for safety regulation and maintenance of federal airport-airway support functions. In 1966, Congress set up the Department of Transportation which included the renamed Federal Aviation Administration. Today, the air industry is one of the most closely regulated industries in the United States, falling under the surveillance of the Civil Aeronautics Board, Department of Transportation, Federal Aviation Administration, and Department of Justice.

2. Economic Regulation (Civil Aeronautics Board)

The Board, which includes five members appointed by the President and confirmed by the Senate, is the principal economic regulator of the domestic air industry. But unlike other regulatory agencies, Congress has also given it a promotional responsibility. For instance, the Board can promote the welfare of the industry through direct subsidies to airlines. It can also promote the welfare of the airline community through the use of measures which encourage and develop economic, efficient, competitive, and safe service. Specifically, according to the Federal Aviation Act, this responsibility includes:

- The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense.

- The regulation of air transportation in a manner which recognizes and preserves the inherent advantages of, assures the highest degree of safety in, and fosters sound economic conditions in, such transportation, and improves the relations between, and coordinates transportation by, air carriers.

- The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices.

The Board's economic regulatory responsibilities and powers extend to seven key areas:

a. Rate-Making (Fares)

The Board determines and maintains what it construes to be "just and reasonable" individual and joint fares. Its power extends to approval and disapproval of specific rate increases and decreases. In making such determinations, the Board is guided by factors which include the impact of rates on traffic movement, the public need for low-cost transportation, the quality of service, the advantages or disadvantages of the rates, and the economic need of a carrier for such rates.

b. Entry/Exit Competition

The Board authorizes both the routes and the manner in which an airline may operate interstate service. This means that it decides which airlines will receive certificates for service, and establishes what points will be served and how many stops will be made.

The Board can permit carriers to reduce or discontinue service. It can also require carriers to continue service on unprofitable routes if such performance is in the public interest. In this sense, it controls new business, competition, and abandonment. The Board is also empowered to control "destructive competition"; that is, competition which is based on unfair tactics and which is not in the public interest. The Board may not restrict a carrier's right to add or change schedules, equipment, accommodations, or facilities, except in certain limited situations.

c. Mergers

The Board must approve all mergers and acquisitions between or involving regulated air carriers. In these cases, it is guided by the public interest, the need to avoid monopolies, and the impact the merger would have on other (nonparty) carriers. In certain cases, the Board may confer immunity from antitrust laws.

d. Intercarrier Agreements

The Board must review all intercarrier agreements (such as interline agreements on airport procedures and capacity reduction agreements). It disapproves any agreement not in the

public interest. However, any agreement which receives approval also automatically receives immunity from the antitrust laws.

e. Service Quality

While the Board's direct impact on service quality is limited, it exerts a de facto influence by virtue of the fare structures that it approves.

In carrying out its regulatory responsibilities, the Board employs a broad range of procedures covering situations that range from immediate, informal decisions to large-scale, prolonged hearings or investigations. It may initiate a "rule-making proceeding," inviting comments from interested parties. Other matters necessitate a hearing before an administrative law judge.

3. Safety Regulation (The Department of Transportation)

Under the Federal Aviation Act of 1968, the Secretary of Transportation has responsibility for various public interest objectives (in addition to the specific responsibilities of the FAA) especially with regard to safety.

a. Federal Aviation Administration

The FAA sets and maintains air safety standards. This is accomplished through a network of regulation and control functions throughout the United States by which it maintains surveillance of the civil air fleet, ensures the certification and registration of aircraft and pilots, encourages the development of improved safety measures, maintains and regulates air traffic facilities, and administers the airport-airway program. While FAA controls affect most aspects of airline operation, the agency's objective (safety) is clearly defined and less open to dispute than the Board's function.

b. National Transportation Safety Board

The NTSB, an agency within DOT, reports directly to Congress. One of its principal functions is the investigation of air accidents and, where necessary, the prosecution of related charges.

4. Other Regulations

The industry is also affected by the Sherman and Clayton Acts. In this regard, the Department of Justice has issued guidelines for any industry mergers; however, due to the Board's control of the air industry's relationship to such antitrust activities, its role is mainly an advisory one. (In 1971, the Department of Transportation also developed a set of guidelines which are somewhat at variance with those of the Department of Justice.)

F. Overview of the Industry

The air transportation industry is too large and complex to be analyzed in a few pages. However, some highlights on major industry attributes may provide perspective on the issues encompassed in the regulatory debate.

1. Historical Performance (1960 - 1974)

Table 1 summarizes the performance of the certificated route domestic airline industry for the period since 1960 (the 10 domestic trunk carriers and 9 local service carriers). Traffic growth improved from the late 1950's, rising to an annualized rate of about 20 percent for the 1965 to 1968 period. Traffic declined in 1970 mirroring the general economic downturn but improved yearly thereafter, until 1975.

The operating revenue data reflects the widespread use of discount fares during the 1960's. Increasing costs, lower productivity, and traffic slowdowns hurt industry profits in the late 1960's, leading to CAB approval of requests for increased fares in 1969 and 1971. Operating revenues for the 12 months ended 30 September 1974 increased over 18 percent from the previous year's total. Revenues for the first five months of 1975 show a sizable decline.

TABLE 1
AIRLINE TRAFFIC, INVESTMENT, AND REVENUE IN
TOTAL U.S. DOMESTIC OPERATIONS, 1960 - 1974
(Millions)

Year	Total Revenue Ton-Miles	Regulatory Investment (Dollars)	Total Operating Revenue (Dollars)	Return on Investment (%)	Year-to-Year Percentage Change		
					Revenue Ton-Miles	Total Operating Revenue	Return on Investment (Points)
1960	3,733	NA	2,178	2.92			
1961	3,899	NA	2,305	1.24	4.4%	5.8%	-1.68%
1962	4,441	2,115	2,589	4.11	13.9	12.3	2.87
1963	4,831	2,076	2,790		8.8	7.7	0.83
1964	5,601	2,137	3,169	9.39	15.9	12.0	4.45
1965	6,774	2,502	3,691	11.31	20.9	16.4	1.92
1966	8,054	3,141	4,171	10.07	18.9	13.0	-1.24
1967	9,982	4,164	4,981	6.39	23.9	19.4	-3.68
1968	11,462	5,191	5,691	4.32	14.8	14.3	-2.07
1969*	13,943	6,104	6,936	3.74	21.6	21.9	-0.58
1970*	13,877	6,037	7,180	1.29	- .4	3.4	-2.45
1971*	14,142	6,332	7,753	3.73	1.9	8.0	2.44
1972*	15,585	6,497	8,652	6.26	1.9	11.6	2.53
1973*	16,707	7,821**	9,694	6.29	7.2	12.0	0.03
1974*	16,999	8,178**	11,545	9.05	1.7	19.1	2.76

*Fifty-state basis.

**Corporate investment.

Sources: U. S. Civil Aeronautics Board, Handbook of Airline Statistics, 1973 edition (1974), pp. 12, 69, 411, and 417.
U. S. Civil Aeronautics Board, Air Carrier Traffic Statistics, December 1974, p. 4.
U. S. Civil Aeronautics Board, Air Carrier Financial Statistics, December 1974, p. 2.

2. Load Factors

TABLE 2
TOTAL REVENUE PASSENGER LOAD FACTOR--
DOMESTIC OPERATIONS SCHEDULED SERVICE (%)

Year	Domestic Trunks	Local Service
1974	55.7	52.7
1973	51.9	48.7
1972	52.4	49.2
1971	48.3	45.3
1970	49.3	43.6

Source: U. S. Civil Aeronautics Board, Air Carrier Traffic Statistics, December 1974, pp. 6 and 7.
U. S. Civil Aeronautics Board, Handbook of Airline Statistics, 1973, p. 26.

Passenger load factors are a measure of actual capacity utilization of carrier equipment. As the load factor approaches 100 percent revenues increase, but meeting demands for peak periods becomes a problem. The 1974 revenue passenger load factors show an increase after the drop in 1973 percentages. The local service carriers have exhibited a steadier pattern of increase over the period (explained in the following section).

3. Market Structure

The domestic market includes more than 59,000 city pairs. However, as Table 3 shows, traffic is very highly concentrated--with 30.7 percent of all passengers and 34.6 percent of all revenue passenger-miles being generated in the top 100 city pairs, which represent only .17 percent of the total. The top 1,000 markets, which represent only 1.7 percent of the number of city pairs served, account for 70.6 percent of the passengers and 71.1 percent of revenue passenger miles. Therefore,

when the low-density markets are discussed, a great many city pairs are involved, but relatively few revenue passenger miles.

TABLE 3
TRAFFIC CONCENTRATION BY CITY PAIRS

City Pairs	Number of Passengers	Revenue Passenger Miles (RPM's)
Top 100	30.7%	34.6%
Top 200	41.3	44.7
300	48.3	51.3
400	53.5	56.1
500	57.7	59.8
1,000	70.6	71.1

Relative growth patterns are also interesting to note. The pattern of airline market growth for 1968 to 1972 was studied by Boeing and presented in the October 28, 1974, issue of Aviation Week & Space Technology. The chart, shown below, segregates the highest growth city patterns (cross-hatched blocks); these are the "medium-density, medium-range markets. Growth has been lower in the higher-density city pairs and longer ranges, like transcontinental routes."

TABLE 4
RELATIVE GROWTH PATTERNS

Market Size*		Distance (Statute Miles) 0-299	300-799	800-1,299	1,300-1,899	1,900-2,700	TOTAL
0-99	GROWTH (%)	(11)	35	84	62	45	15
	% OF TRAFFIC	6	5	2	1	1	15
	NO. OF CITY PAIRS**	6,557	8,404	3,878	1,989	1,547	22,375
100-199	GROWTH (%)	13	36	73	45	3	29
	% OF TRAFFIC	5	4	2	1	1	13
	NO. OF CITY PAIRS**	140	113	60	27	16	356
200-299	GROWTH (%)	12	40	84	25	6	30
	% OF TRAFFIC	3	3	1	1	-	8
	NO. OF CITY PAIRS**	57	62	23	14	6	162
300-599	GROWTH (%)	11	25	48	19	15	21
	% OF TRAFFIC	7	7	3	1	1	19
	NO. OF CITY PAIRS**	76	72	33	7	10	198
600-999	GROWTH (%)	2	22	28	16	19	16
	% OF TRAFFIC	4	6	3	1	1	15
	NO. OF CITY PAIRS**	23	33	16	9	6	87
1,000+	GROWTH (%)	2	10	17	2	5	7
	% OF TRAFFIC	10	12	4	2	2	30
	NO. OF CITY PAIRS**	22	29	11	6	4	72
TOTAL	GROWTH (%)	3	22	41	19	13	16
	% OF TRAFFIC	35	37	15	7	6	100
	NO. OF CITY PAIRS**	6,875	8,713	4,021	2,052	1,589	23,250

* DAILY COUPON PASSENGER EACH WAY, 1972
** DOMESTIC CITY PAIRS WITH O&D TRAFFIC (OF THESE, 4,118 HAD NONSTOP SERVICE IN SEPTEMBER 1972)

Essentially, the 72 highest density city pairs have over 1,000 coupon passengers daily and represent 30 percent of traffic. The group with the next most dense cumulative involves 162 city pairs or 7/10 of a percent of the studied city pairs, but handles 45 percent of the daily traffic. The smallest density city-pair markets (those with less than 100 passengers daily) account for only 15 percent of total traffic, but involve over 96 percent of the city pairs.

Today, close to 77 percent of all domestic trunk city-pair markets have at least two-carrier competition. In 1950, when the Board embarked on its policy of increasing competition throughout the system, only 50 percent had at least two-carrier competition.

PART II. ANTI- AND PRO-REGULATION POSITIONS/HYPOTHESES

A. Introduction

This section summarizes the positions that have been taken on both sides of the regulation debate, organizing them according to the major issues involved. The positions have been drawn from several sources: books, articles, speeches, and interviews with carrier executives and representatives of government (Department of Transportation, Department of Justice, the Council of Economic Advisers, and the Civil Aeronautics Board). Summaries such as this often tend to flatten out sharp differences, and distinctive views expressed by individuals may not be reflected here. However, it is believed that this section represents the principal arguments on both sides of the issues.

B. The Anti-Regulation Position

1. Overview

The deregulators (as represented by a number of economists, and DOJ, CEA, and to some extent DOT) are opposed to economic regulation except in the unusual situation where the characteristics of an industry justify it (for example, utilities). Therefore, they are critical of the existing regulatory structure in air transportation and the role the Board has taken. They maintain that maximum economic competition is necessary to produce maximum efficiency and economy in the air industry, and in the economy generally. They contend that by restricting entry and exit, regulating fares, and permitting carrier agreements, the Board has encouraged the development of an inefficient, cost-inflating system, further inflated by the costs incurred by the regulatory process itself. They conclude that this system is not in the best national interest.

Deregulators argue that promoting maximum economic efficiency should be the main goal of the Board. If it is not, the Board's mission should be clarified and justified. They favor letting the carriers work on their own toward achieving economic efficiency--and letting whatever system develops in the process become the national system. Thus they would eliminate regulatory

constraints, retaining government in a promotional and supervisory role. The deregulators disagree as to the timing of these changes, however; some argue for immediate deregulation, others for a more gradual approach.

2. Pricing

The deregulators maintain that the Board's restrictions on price flexibility have eliminated effective competition and caused the carriers to compete largely on the basis of scheduling frequency, thereby resulting in:

- Overcapacity, leading to low load factors and high, rigid price levels.
- An inadequate variety of services.
- Discrimination among classes of travelers.

This environment, they contend, produces noncompetitive fares that have been set at a level significantly higher (estimates range from 30 to 100 percent higher) than would be charged in an unregulated environment, particularly on densely traveled and long-distance routes.

Although deregulators advocate greater freedom of pricing, they do not believe an open market is possible unless we also have freedom of entry and exit. They claim that relaxation of price and product controls, without relaxation of entry controls, would result in:

- Greater variety in product rivalry, with reduced emphasis on new aircraft and product strategy.
- More price variability in particular city-pair markets, but higher fares in the long run.
- A higher aggregate rate of return, but questionable new performance gains.

3. Entry/Exit

Deregulators are concerned about what they contend amounts to a closed entry situation in the industry. They cite the fact that no new trunk carriers have been certificated since regulation began, although the number of trunk carriers has contracted (through merger). They claim that the Board's control of entry and exit:

- Eliminates normal economic pressure to reduce costs.
- Protects inefficient firms and denies access to potentially more efficient carriers.
- Permits and encourages inefficient route structures and the inefficient utilization of equipment.
- Raises the costs of air travel.

Arguing for a completely open system, deregulators maintain that removing entry restrictions without lifting price and product restrictions would result in:

- Higher average costs, because of excess capacity and real or spurious product differentiation.
- Successive and rapid increases in prices as a result of cost increases.
- Abandonment of unprofitable service in thin markets.
- Guaranteed profits, though not excessive profits, for the carriers at all fare levels.

The deregulators concede that free entry and exit could have some negative consequences as well, principally:

- Some degradation in service quality--particularly in the frequency of flights in certain markets.

- Loss or reduction of service in some marginal low-density and short-haul routes, which could create a requirement for more direct government subsidy.

However, they consider these consequences supportable in the short run, maintaining that they would lead to long-term improvements in the economic efficiency of the system. In addition, they say, it is probable that specialized carriers would enter marginal markets to replace existing traditional carriers.

4. Cross-Subsidy

The deregulators tend to minimize the cross-subsidy issue. In their view, the carriers have been allowed to abandon service in marginal markets for some time--as part of the Board's route-strengthening policies. Therefore, they say, the amount of internal subsidization (of unprofitable or less profitable routes by more profitable routes) that exists is much less than the carriers claim. Consequently, there would be very little further abandonment of service under relaxed entry and exit rules.

Deregulators do not dismiss the impact of internal cross-subsidization entirely. They concede that, without it, fares in marginal markets might increase, and that there might be some decline in service. But they assert that market forces would hold these changes to acceptable levels. In addition, they claim that many of the routes which the carriers represent as unprofitable are, in fact, at least marginally profitable because variable costs are exceeded by revenues or because they make a contribution, as feeder lines, to the profitability of major routes.

As noted above, deregulators are of the opinion that if existing service by a trunk or local-service carrier were abandoned in a freer entry and exit environment, specialized carriers (including scheduled air taxi service) would be available to fill the gap. In fact, they claim that the public would consider this service superior to the service provided by certificated carriers in markets they consider marginal.

The deregulators grant that some additional direct subsidy payments might be necessary in those markets where air taxis did not wish to provide service on an unsubsidized basis.

But they contend that the total amount of local service subsidy would be substantially reduced and that the overall quality of service to these markets, measured essentially by the frequency of service available, would rise. Moreover, total system costs--private plus public--would be reduced, because of the more efficient matching of equipment to routes and markets served.

5. Competition

The deregulators do not worry about the possibility of too much competition in the system. With open or relaxed entry, they claim that price and service competition would increase merely to desirable levels. This would serve to substantially reduce fares in denser markets and to provide the traveler with more price/quality options. (It is conceded, however, that greater competition could increase costs, by increasing the carriers' sales and promotion expenses.)

Destructive competition would not occur since:

- Management's profit-maximization goals would work against it.
- The carriers have only limited equipment resources to deploy in a given market.
- The carriers would continue to recognize their mutual interdependence.

With free entry, deregulators see an end to monopoly service in many markets, although it might continue in certain thin markets. They believe that the ever-present threat of entry by another carrier would preclude monopolistic pricing or deterioration of service.

6. Load Factors

The deregulators maintain that low average load factors (ranging from 48 to 56 percent in the past 10 years) are a function of (i) demand-related rather than cost-determined fares and (ii) the carriers' reliance on scheduling competition, which they claim leads to excess capacity.

Although a 55 percent load factor was established as satisfactory in the Board's Domestic Passenger Fare Investigation, deregulators now consider it too low. They claim that with free pricing and free entry, however, both free market competitive pressures and the profit maximization goals of carrier management will reduce fares. Load factors would then rise as demand for more attractively priced air travel increases. Thus over the long term fares and load factors would reach an optimal equilibrium.

7. Scheduled Service

The deregulators see greater price and service flexibility leading to many more low-cost options for the public--generally in the direction of mass travel and including other than scheduled service. They consider this to be very desirable, and do not appear to share the concern of the proregulators that this shift would seriously degrade scheduled service as we now know it.

8. Stability

The deregulators do not believe that the changes they recommend would cause long-term instability in the system. They are prepared to accept any short-term dislocations that occur. As they see it, the present air system is characterized by inefficient operating and marketing practices, as well as by the inefficient deployment of equipment. With free entry and free pricing, there might be some initial dislocation, including loss of service in some areas and perhaps some carrier financial failure. But no major instability would result, since inefficient carriers would be replaced by more efficient firms.

Deregulators claim that in the longer term the pressures of competition, plus the freedom to enter or exit from markets at will, would make the remaining carriers more efficient. Moreover, the system as a whole would be strengthened by the emergence of distinct classes of carriers that would specialize in classes of service--for example, long-haul, intermediate-haul, and short-haul--or scheduled and nonscheduled. The carriers would purchase and deploy equipment designed specifically for these services, rather than maintain inefficient fleets as they do now. The deregulators also believe that more rational route structures would evolve.

C. The Pro-Regulation Position

1. Overview

Those who support the status quo oppose major changes to the system even while admitting that it has its flaws. They believe that regulation is essential to the maintenance of the comprehensive, integrated air system we have achieved, and that open competition and free pricing would lead to predatory tactics, loss of service, and ultimately, the collapse of the system. They claim that the real issue is whether the country wants a comprehensive nation-wide system of dependable air service.

2. Pricing

The proregulators insist that airline fares must be judged by the value of the total air transport system, which provides safe, reliable, high-quality service to the vast majority of communities in the country. Viewed in this context, they assert that air travel is one of the best values available to the public. And they believe that the public perceives it as such--as the growth of the industry demonstrates.

Proregulators point out that air fares are set on a system-average basis--which is the only way they can be established in a massive, complex, and interdependent network such as we have and need. They contend that fares are non-discriminatory and, to the extent possible, cost related. However, they are not rigid. Depending upon the type of service he wishes to purchase, and his flexibility about travel time, a prospective passenger can choose from a wide variety of fares at substantial discounts from normal fares.

If anything, proregulators claim, air fares are too low and are probably lower overall under the present system than they would be if there were no price regulation. They point out that the industry has not achieved excessive profits under regulation, and that air fares have increased less than most other services available to the public. Fares have increased substantially less than airline costs--particularly the two major cost components, labor and fuel. They note that U.S. air fares are substantially lower than those charged for comparable levels of service in other countries.

The proregulators maintain that the lower fares which deregulators say could be achieved are based upon unrealistically high load factors. Under a totally deregulated system, where carriers would not be providing a comprehensive network of service, fares could be reduced in certain very dense markets. But they claim that these reductions would be obtained only in the short run, at the cost of dramatically higher fares in other, less dense markets, and with extremely unstable fares.

Some proregulators would not be adverse to somewhat more pricing flexibility than is permitted now, perhaps a zone of reasonableness pricing in a ± 5 to 10 percent range. Others, however, believe that with this approach most fares would move to the top of the zone rather than the bottom.

3. Entry/Exit

The proregulators are opposed to free entry and exit, contending that it could destroy the present system, which is founded on the carriers' recognition of (i) their interdependence and (ii) their responsibility to serve all the public.

As directed by the Congress, they point out, the mission of the present system is to meet the air transportation needs of the country as a whole, not simply its most populous cities or areas. Therefore the carriers must serve low-density markets as well as the more attractive high-density markets. If carriers were free to enter and exit from markets at will, many of these low-density markets would lose some or all of their air service--at least service by certificated carriers. Because of the interdependence of the system--including the important function that some marginal markets play in feeding passengers to major markets--the exact number of cities that would be dropped can only be estimated. But estimates range from a low of 10 percent to as high as 30 percent. This, it is said, is contrary to the expressed wish of these communities, which want better service, not necessarily less expensive service.

It is claimed that in an open, highly competitive system, the efficient but complex process of ticketing, baggage-handling, passenger transfers, and so on, that we now have would fail. Even if the carriers could accommodate the change, airport facilities could not. Airport facilities in dense markets, where additional

carriers would presumably enter, would be overtaxed. In effect, the managers of these airports would be regulating entry according to their individual priorities. Facilities in other markets would be underutilized or abandoned. The result would be chaos and deterioration of the system. In addition, there would be the additional expense of building new airport facilities in the very locations where environmentalists are now questioning their viability.

Proregulators do not agree with the contention that the present system is a closed one. Although no new trunk carriers have been certificated, they claim that there has been substantial new entry in city-pair markets in the form of extensive route awards, coupled with the growth of the "small seven" trunks and particularly the local service carriers, many of whom are approaching trunk carrier size.

4. Cross-Subsidy

Many proregulators claim that the cross-subsidization of weak routes by fares from stronger routes is critical to the functioning of the system, but would not survive in a changed system. They point out that airlines are economic entities with responsibilities to their debt holders and stockholders to maximize profits within the restrictions of their certificates. The willingness of carriers to serve unprofitable or only marginally profitable markets depends in part on their ability to cross-subsidize them with profits generated elsewhere in their systems. If profits decline because of new entry and increased competition in these markets, cross-subsidization will cease, and many cities could be expected to lose certificated service.

Related to the cross-subsidy argument is the view that service in many low-density markets is profitable only on an incremental system basis because of the traffic "feed" from those markets into high-density connecting services--the likely candidates for increased competition in a deregulated system. Proregulators believe that a deregulated system would destroy the economics of these subsystems, and service to low-density markets would shrink or be lost altogether. They predict that the resulting cost to the air system as a whole, and particularly to the adversely affected cities, will be incalculable. For example, the economies of these cities will decline because commercial firms will hesitate to locate or remain there without reliable, reasonably priced passenger and cargo service.

The proregulators contend that is not realistic to think that the air service these communities would lose could be replaced by air taxis or other specialist carriers. There are many reliable and efficient air taxi operators, but their overall record of stability and safety cannot compare with that of the scheduled carriers. Even if they were willing and able to provide the service, which is questionable, their quality could be so marginal that many communities would reject them, and resort to the political process to develop other transportation alternatives. Moreover, most of those marginal communities that retained a minimum level of scheduled service or accepted air taxi service would find the fares prohibitively high. Either the community itself would be forced to subsidize the service or, more likely, the federal government would be asked to do so. In addition to all the other inequities that deregulation would create, the taxpayer would be forced to pay the subsidies the airlines, or certain classes of their travelers, are paying now.

5. Competition

If anything, proregulators claim, there is too much competition in the system, not too little--as low earnings demonstrate. They point out that under a concerted effort by the Board to create more competition, more than 75 percent of all domestic trunk city-pair markets in the country are now served by at least two carriers. The denser markets are served by three or four carriers, although experience has shown that little if any improvement in load factors is obtained by the addition of a third or fourth carrier.

Given the present economics of the system, say the proregulators, it is reasonable to presume that freedom of entry would increase competition--not in the low-density, unprofitable markets--but largely in the high-density markets, where it is unnecessary. With freedom of pricing accompanying freedom of entry, the predictable results would be destructive competition and predatory pricing in the short term and widespread carrier failure and system instability in the long term. They construct the following series of developments as likely to occur:

- A new carrier would enter the market and, to win market share, would lower its fares.

- All the other carriers would follow suit, whereupon the new carrier would lower fares again, whereupon the other carriers would do the same.

- The process would continue with all carriers incurring losses until the weaker carriers were forced out of the market. The strongest carrier, now enjoying a monopoly position, would gradually increase fares again to a profitable level.

- Without competition and without price regulation, the fares of the remaining carrier would rise above the original levels. The carrier would naturally have a monopolistic market share.

- By the time the market once again looked inviting to a competitor, the monopoly carrier's position would be stronger than ever. Thus, when the fare-lowering process began again, this carrier would be in a better position to force fares down to a level new competitors could not match, and thus the monopolistic situation could, and probably would, continue.

- The final result would be periods of competition, with lower but unstable fares, alternating with periods of monopolistically higher fares.

Ultimately, the proregulators claim, these developments--duplicated in major markets across the country--would lead to (i) the emergence of three or four giant carriers servicing the most profitable markets and (ii) a larger group of small carriers providing marginal service for marginal profits in local markets the large carriers did not want to serve.

6. Load Factors

Proregulators agree that system-wide load factors are sometimes lower than they should be. They insist, however, that it is unrealistic to believe that load factors could reach the 60 to 80 percent levels predicted by those favoring deregulation without (i) serious reduction of quality in dense markets and (ii) loss of service to many marginal markets. This is because

load factors are average figures--they represent the average amount of available, consumed, and unused capacity in the whole system. This includes:

- Dense markets, with load factors already well above 60 percent, and thin markets, with load factors at 20 or 30 percent.

- Peak travel times, when most people want air service, and off-peak times, when very few people want air service.

Given these conditions, plus the fact that air service must be consumed when it is available, operations at the load factors contemplated by the deregulators would necessarily involve:

- Reduction of flight availability in dense markets. This would make it all but impossible to obtain a seat at peak times unless reservations were made far in advance, since load factors are already very high in those markets.

- Elimination or drastic curtailment of service in these markets.

This severe decline in service availability and quality, they warn, is the price to be paid for obtaining load factors significantly higher than those found today.

7. Scheduled Service

Proregulators dismiss predictions that freer entry and greater pricing and service flexibility would improve the system by making low-cost mass-travel options such as ITC's available to those who want them. They claim that this fails to take sufficient account of the effect the various kinds of non-scheduled service would have on scheduled service and the system as a whole.

Under the present system, they claim, those travelers who can be flexible about departure times already have many low-cost options open to them. But these options

are made available on scheduled flights. They may divert some higher fares but they do not divert scheduled traffic. However, the introduction of--for example-- widely available ITC's would divert much traffic from scheduled service, which would have to be cut back appreciably.

Proregulators point out that scheduled service is what makes it possible for a passenger to get from one point to another at approximately the time he wants to--and, more important than that, to know in advance when he can leave and when he will arrive. Our economy depends heavily on the availability of this service, which permits firms to do business anywhere in the country.

8. Stability

As the proregulators see it, many of the conditions that deregulators criticize in the present system are the inescapable costs that must be paid for a stable system offering stable service at stable prices. The potential cost of a deregulated system would be the loss of much of this stability. It is claimed that anti-regulators seriously underestimate the chaos that would accompany radical changes. They do not understand the complexity and delicate balance of the system's interdependence or the balance that has been achieved between the airlines' competitive profit-maximizing instincts and the responsibilities laid on them by the certificates they receive as regulated carriers.

D. Major Hypotheses Developed from These Positions

The following hypotheses have been developed as to the impact of relaxation of price and service restraints and entry and exit controls.

Anti-Regulation	Pro-Regulation
Increased competition would foster much more price rivalry, thus leading to lower average fares (in the denser markets at least).	Increased competition would encourage predatory pricing, thus leading to price wars and great instability in fares. Fares in high-density markets

Anti-Regulation	Pro-Regulation
	might be lower at some times but higher at other times, and fares in low-density markets would be much higher.
Monopoly service would end in many markets and fares would be lower in those that remain, since the threat of new entry would be sufficient to keep fares down.	More service monopolies would develop, with significantly higher fares in thin markets.
There would be a greater variety of price and service options in the major markets, although the average quality and availability of service might suffer some decline--particularly in the thin markets.	Three or four giant carriers would serve the major markets, a large group of smaller (local) carriers would provide low-quality service in less dense markets, and there would be no certificated service to many small markets.
The overall demand for air travel would increase, and load factors would rise, leading to still further fare reductions.	The demand for air travel would increase, particularly at peak travel times and in thin markets as service becomes less available.
Wasteful overcapacity would be reduced, as the need to compete solely on the basis of scheduling would be eliminated.	Overcapacity would increase in dense markets in the short term, and would be followed by service reductions in order to increase load factors.
Discretionary subsidization of travelers in thin markets by travelers in dense markets would be eliminated. Some loss of service in thin markets might result. However, air taxis or other specialized carriers would fill the gap	Service in unprofitable markets would be abandoned and there would be significant reductions of service in marginal markets with severe economic consequences for the communities and businesses involved. Air taxis would not fill the gap, and a

Anti-Regulation	Pro-Regulation
in most cases. Some additional direct (government) subsidy might be necessary. But this is preferable to cross-subsidization.	substantial increase in government subsidy would be necessary.
The economic efficiency of the total system would be increased by encouraging carrier specialization, permitting a more flexible allocation of resources among major markets, increasing downward pressure on costs, correcting seasonal imbalances, and encouraging a more rational route structure.	Scheduled service would decline significantly with severe consequences for the nation's economy and business in general as well as for the nonbusiness traveler, with related deterioration of interline services such as ticketing, baggage handling, passenger transfers, and so on.
The overall stability of the system and the profitability of the airlines would increase as inefficient carriers are replaced with more efficient carriers and the remaining carriers are forced to become more efficient.	There would be widespread instability in and deterioration of the system as a whole, including failures among present carriers and industry unemployment, and the possibility of ultimate nationalization as in the case of the foreign airlines and our own railroad system.

E. Existing Evidence in Support of the Major Anti-Regulation and Pro-Regulation Positions

As has been shown by the foregoing presentation of hypotheses, deregulators and proregulators have reached quite different conclusions about the consequences that can be expected from the various changes currently being proposed for the air transportation system.

Upon what kind of evidence do they base their conclusions? On the deregulation side, it is chiefly the performance of the intrastate systems in California and Texas (plus some modeling of less regulated or deregulated systems). Cn the

proregulation side, it is chiefly the performance of the existing interstate system as it functions today, plus comparisons with the systems of other countries and the intrastate systems as well.

1. The Anti-Regulation Evidence

a. The Intrastate Experience. There is a substantial body of written criticism on the anti-regulation side of the debate. But apart from data supporting arguments against economic regulation of industry in general, deregulators rely for hard data on the experience of two air systems in the United States not controlled by the Board. These are the California and Texas intrastate air systems, both of which are under the surveillance of state regulatory bodies. However, the regulatory system in Texas is less stringent than the interstate system. In California, the California Public Utilities Commission regulated neither entry nor minimum rates until 1965--although it did regulate maximum rates. Since 1965, however, the CPUC has been granting route protection to established carriers.

Deregulators maintain that the evidence in California and Texas shows clearly that the lightly regulated, intrastate service pattern is more advantageous for the traveling public. Primarily, fares are substantially less, averaging about two-thirds of interstate fares for comparable distances. This, they say, is the result of:

- A high degree of price competition among carriers.

- Greater productivity as measured, for example, by average annual operating revenues per employee ($22,200 for each employee of a certificated trunk carrier and $32,500 for each Pacific Southwest Airlines employee).

- Greater specialization of operations in terms of:

  --Type of aircraft (one type of aircraft used until recently).

-- Type of service (one class of service).

- Higher load factors and better equipment utilization, including an improved matching of equipment to the demands of the traveling public.

Deregulators contend that without the Board's restrictions, the operating pattern and results of the California and Texas systems could be duplicated in the national system. The evidence is clear, they claim. Because the intrastate carriers are motivated solely or largely by economic goals, their performance is superior, and this is the way the national airlines should be run as well.

b. System Models. Economists who specialize in the air transport industry (Douglas, Eads, Miller, Jordan, et al) have done a fair amount of system modeling, which has provided the basis for much of their criticism of the existing system. The models appear to be very sound technically. On the other hand, as with most modeling, there are limits in the degree to which they can deal with the complexities of the system. They have required many simplifications and assumptions about the system and its components. Thus, the models per se raise doubts about the degree of their validity as predictors of actual system behavior. The modelers themselves have often recognized this and include appropriate reservations in discussions of their own work and that of others.

This observation does not discredit the modeling function as such. It has provided useful insights into possible system behavior under changed conditions, and useful hypotheses regarding change. But, at this stage of its development, while modeling provides some guidance, it would be difficult to rely on it as a foundation upon which to base sweeping changes in regulatory policy.

2. The Proregulation Evidence

a. Achievements of the Existing System. There has been less critical examination of the present system by proregulationists. However, those who advocate the status quo seem to be less inclined than its critics to probe for flaws. This is not to say that proponents of regulation have not been critical of the system or have not suggested or attempted changes in it. But

they have been largely content to let the system's performance achievements substantiate their contention that, on the whole, it has served the national interest well--certainly, better than any other system proposed or practiced elsewhere.

Proregulationists cite as evidence such performance measures as these: a 4.5-fold increase in service from 1960 to 1975; rate increases kept well below increases in the Consumer Price Index during this period; world technological leadership; and a safety record unmatched in transportation--averaging a fatality rate of 0.22 percent per 100 million passenger miles flown.

b. Comparisons with Other Systems. As additional evidence for their arguments, proregulationists point out that the U.S. air transport system surpasses systems in all other countries. It is the acknowledged pace-setter in terms of quality, service, technology, and price. European per-mile fares are much higher than in the United States. For example, service from Washington to Boston costs $.111 per passenger mile, while service from London to Frankfurt, a comparable distance, costs $.286 per passenger mile.

Also cited as evidence is the North Atlantic market, which has all the competition a free market proponent could desire, but some undesirable consequences as well: predatory pricing, carrier failure, marginal cream-skimming operations, widespread illegal practices, stranded travelers. This, proregulators claim, is a forecast of what we can expect from a nonregulated system in this country.

Interestingly enough, proregulators also use the intrastate systems as evidence in support of their position. They tend to discount the fare differentials achieved in California and Texas, maintaining that these systems are nothing like the national system and that no valid comparisons can be made. At the same time, they claim the systems demonstrate that the intrastate pattern would not serve the traveling public well, producing widespread instability among carriers and erratic, lower quality service to many markets. Specifically, they cite:

- An 87 percent failure for California intrastate carriers from 1946 to 1965, as well as continual change in the cities served, except for the three major cities.

- Rate wars and destructive competition leading to fare reductions in the short term, but rising fares as monopoly positions were achieved by the surviving carriers.

- Carriers entering the market based on availability of inexpensive used aircraft, not market demands. In California, six out of eight carriers entered the market in 1949 to 1950. Six additional carriers entered the market in 1962 to 1965 and five folded, some virtually without notice.

- Though good service in high-density markets, poor or nonexistent service in remaining markets.

- A poorer safety record.

- After the initial adjustment period, emergence of one strong intrastate carrier in each market in a near monopoly position. Today, only PSA and Air California survive in California.

F. Evaluation of the Existing Evidence

1. The Anti-Regulation Evidence

How useful is the evidence obtained from the Texas and California systems in predicting the consequences of the changes that have been proposed in the national system? What kind of answers does the intrastate experience give us?

It has always been considered questionable to generalize from the particular. At a minimum it is essential that the two should have the same characteristics. But the California and Texas systems do not appear to share the same qualitative characteristics as the interstate system. For this reason, it is risky to try to use their experience to predict system-wide behavior.

The efficiencies and consequent fare reductions the Texas and California intrastate carriers are credited with have been achieved in very dense markets, flying very simple route structures, with one class of service, between a limited number of city pairs. Neither system serves scattered, low-density markets. Neither system must accommodate interline transfers.

What this suggests is that if similar markets could be isolated from the rest of the national system--isolated from the vast majority of other city pairs served--fares might be reduced in these markets, absent regulation. But the high-density markets in the national system are not isolated; they are part of a complex and highly interdependent network. Therefore, the California and Texas experience provides us with very little in the way of answers about the effect that de-regulation might have on the system as a whole, and that is what concerns us. We need answers to these questions:

- What will happen in the less dense markets?

  --Will service be dropped from a large number of cities?

  --Will someone subsidize service to the cities dropped?

  --Will fares rise in these markets?

- Will markets eventually achieve some measure of stability?

  --With competitive carriers in most markets?

  --With monopoly carriers in most markets?

- Will interline agreements remain in areas, among others, of:

  --Baggage transfer?

  --Ticket sales and clearing?

Even in the markets to which the Texas and California experience is most directly comparable, questions remain about not only the usefulness but the validity of the evidence. The most frequently drawn comparison is that between the intrastate Los Angeles/San Francisco service and the interstate Boston/Washington or New York/Washington service. Although the routes are roughly comparable in distance, they have significantly different fares--for example, $20.46 for the 338-mile journey from Los Angeles to San Francisco versus $45.37 for the 399-mile journey from Boston to Washington. However, to look only at distance in evaluating the fares can be misleading, because there are substantial differences between the two areas:

- Weather is more of a problem in the Northeast. Although it is discounted by anti-regulationists, a case can certainly be made that weather is a factor in airline costs.

- Airports are more congested in the Northeast, and create delays that add substantially to total flight costs.

- Flying times are slower in the Northeast. Using published schedules (which do not reflect either air traffic delays or weather problems), one can express fares in terms of cost per hour rather than cost per mile and see the following:

	Weighted Average Fare/Mile[1]	Weighted Average Fare/Block Hour[2]
California Markets[3]	$.0716	$23.51
Northeast Markets[4]	$.1398	$30.42
% Difference	95%	29%

There is also evidence that the fare differentials may become less prominent in the long run. For example, the California carriers have been raising fares faster than the carriers in the Northeast:

	Weighted Average Fare		
	7/1/70	6/1/75	% Change
California Markets	$15.47	$24.02	55%
Northeast Markets	$23.98	$33.74	41%

(Pacific Southwest Airlines in California recently requested a 16 percent fare increase and received a 6.5 percent interim increase along with a sharp reproof from the CPUC.)

Another difference worth noting is that lower fares are possible in California and Texas because the intrastate carriers pay far lower salaries than those paid by the interstate carriers. In part this is because their labor force is less unionized and has less seniority. Labor costs, along with fuel, are among the most substantial operating costs in the industry.

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[1] Based on June 1, 1975 fares weighted on the basis of 1973 on-line O&D passengers.

[2] Based on weighted average of scheduled elapsed time for all carriers as shown in the June 1, 1975 Official Airline Guide.

[3] Los Angeles-San Francisco, San Diego-San Francisco, San Diego-Los Angeles.

[4] Boston-New York, Boston-Washington, New York-Washington.

Cost differentials in the Texas markets are open to question for yet another reason. Southwest Airlines has lower fares than either the trunk carrier, Braniff, or the local service carrier, Texas International, in the Dallas-Fort Worth and Houston markets. But Southwest has refused to support the new airports recently built in those markets. Southwest (not being in existence at the time) did not participate in the agreement in which the other airlines guaranteed to transfer their service to the new facilities--in effect underwriting the new airports. Thus, Southwest has taken advantage of its unique position and continued to use the old facilities at Love Field and Hobby Field which are not only less expensive, but also much closer to the respective downtown cities. This has enabled Southwest (i) to win a significant market share and (ii) to operate very profitably. In a third Texas city, however--San Antonio--Southwest does not possess this unique advantage. It has been less successful in San Antonio and Braniff has held on to its share of the market.

The proregulators maintain that Southwest's actions predict the lack of concern for the overall health of the system that can be expected if carriers are freed from the responsibilities imposed by regulation. As noted, they also point to the high rate of carrier failure in the intrastate markets, the predatory pricing, and the chaos they claim has existed there at times, and project these conditions onto an unregulated national system. It is true that many carriers have gone broke in Texas and California trying to meet the competition there and that the public has suffered on occasion. However, if the experience of the intrastate markets cannot be extrapolated in the area of price, it cannot be extrapolated in the areas of service and stability either. The truth is that the intrastate systems--with their higher density, simpler route structures, better weather and flying times, and lack of interline responsibilities--are sufficiently dissimilar to the national system to render the evidence regarding their experience of little use in providing the answers we need.

2. The Pro-Regulation Evidence

Proregulators frequently make comparisons--generally unfavorable--between air transportation systems in other countries and our own. But these may not be really meaningful because of differences in size, geography, economy, and political systems. Thus, as evidence that the present system serves the national interest well, proregulators rely chiefly on its

performance achievements. How valid or useful is this evidence in determining whether the system could be improved with the changes that have been proposed?

From the point of view of stability and technical performance, it is difficult to fault the system, and this evidence stands up well. But the evidence is not consistent by any means. . .the system's financial performance leaves much to be desired. For some time--despite fare increases--it has failed to achieve the Board-mandated return to investors. Airline earnings have been erratic, on the average falling well below the 12 percent return on investment the Board has established as reasonable. Substantial disenchantment with the industry on the part of investors is evident: the industry stock index currently stands at 42 percent of 1967 prices.

Some of the smaller trunks have achieved Board targets for return on investment in recent years. However, three of the four largest have not. And all of the four largest have reported losses for one or more of the past three years. Troubled carriers blame their problems on a number of factors, particularly the fuel crisis and the recession. But unless management itself is at fault, one must conclude that a system that produces such unsatisfactory returns on its enormous investment is somewhat less than ideal.

At today's fare levels and load factors, the overall system has excess capacity--one of the anti-regulationists' chief criticisms. This contributes to the poor earnings problem. The industry believes that load factors are low because of recession-induced traffic weakness, compounded by the adverse effects of higher fares. It laments that it is caught in a cost-price squeeze because of soaring labor and fuel costs that force fare increases. But the industry also questions whether significantly higher load factors are desirable, raising some doubts as to whether reducing excess capacity is a serious objective for the carriers.

It is unclear whether excess capacity is due to (i) overinvestment by a technology-oriented management or (ii) a flaw in the system, which prevents price competition and encourages wasteful scheduling competition. Overinvestment itself may be a function of a regulatory system which

has been overly concerned with the survival of the existing certificated carriers. It may be that the system indulges questionable management practices, all the while restricting new entry, thereby protecting inefficient management from potentially sharper competitors.

The present system may also not have encouraged enough innovation in the direction of providing low-cost travel for the mass market--despite evidence that this market exists, and despite the focus of deregulators on this point. In most of the changes that have been made--coach travel, charter travel--the industry has had to be sharply nudged by competition before responding. This is not a blanket indictment. Some carriers have been more innovative than others. And most have attempted variations such as youth fares, family plans, and so forth.

Strictly speaking, however, there has been little or no real "experimentation" with the kinds of changes critics of the system have suggested. By and large proregulators have failed to counteract criticism with hard facts in support of their position. Little has been attempted in the way of an organized, systematic effort to (i) try a new approach under controlled conditions, (ii) gather data, and (iii) analyze results. In any case, there is very little data to document the success or failure of various approaches, and many approaches have been undertaken--or abandoned--without any clear evidence as to whether they were productive or not. In sum, the evidence for the pro-regulation position is limited and only partially convincing to an objective onlooker.

3. Conclusions

How useful is the evidence we have now?

- The economic models are instructive, but require many assumptions and simplifications. Considerable doubt is raised about their adequacy to predict the actual behavior of a complex and delicately balanced system.

- The assumptions as to the behavior of the public are even more tenuous. If there is one thing we know, it is that people do not always behave as we believe they should behave. Does the public want the lowest cost air transportation possible--nonscheduled if necessary? Or is it willing to pay more--if need be-- for more reliable service? Or does it want both options? How much capacity should the system have? How much competition? The Board has wrestled with these questions for years. Further information that gives us answers to these pivotal questions is necessary.

- The intrastate experience has given us some information. It tells us, for example, that it is just as possible for an air carrier to fail in California as in the national system. It also tells us that with greater price competition, fares tend to decline for a period, but may then begin to rise again. But how far? This we don't know. Neither do we know how lower fares and open entry in high-density markets affect fares and service in other markets. Or how many communities would lose air service, or suffer reduced air service, under a different system of regulation and how much government subsidy might be sought. Parties on both sides are frank to admit that they don't know the answers to these questions, that they can only "estimate."

- There are some sizable holes in the main argument proregulationists advance. The air transport industry rates high marks on performance, but lower marks on other measures--return to investors, for example. The present system compares well with air systems in other countries in stability and technical performance. But this is a questionable comparison. What the Board must consider is the present U.S. system as compared with different possible future U.S. systems.

- Moreover, at what price to the traveler have stability and technical performance been achieved? Has limited entry made the present system inefficient? Would price competition lead to lower fares?...or to predatory pricing? To more efficient carriers?...or to carrier failure? How would financial institutions react to a less stable system? We have some widely varying opinions on these important issues, but no real data.

On balance, then, we reach the interim conclusion that the available evidence is inadequate to settle the question of whether major changes should be made in the system at this time. Various approaches to the problem have been suggested. Further simulation, followed by impact analysis, is one. Monitoring of zone of reasonableness pricing in a very limited market is another. But both of these are subject to some criticism. The results, some argue, would be inconclusive, unacceptable as clear evidence to the opposition, and inadequate for responsible, effective decision-making.

It has also been suggested that the Board simply try deregulation and see what happens. Or that the Board deregulate in phases, allow pricing freedom followed by entry and exit freedom. Such a course presents obvious hazards.

Is there any approach that would evaluate the consequence of deregulation without taking unacceptable risks with the system itself? An approach has been developed and is suggested here. It is an empirical approach--one that, if followed properly, should generate reliable, real-world data. Some risk is present, but careful controls can keep it to an acceptable level.

Despite the lack of hard evidence, a debt is owed to the protagonists on both sides of the debate. They have raised the questions which we as public decision-makers must answer. The evidence they have generated has enabled us to identify the remaining information to be gathered ... the information critical to a thoughtful, objective evaluation of the consequences of responsible change.

PART III. SUGGESTED EXPERIMENTAL PROGRAM

As discussed in the prior section, the existing information base appears inconclusive. Before major changes can be made in the regulation of the domestic air transportation system, we need additional information, and more specific information. Questions should be answered in a way that will provide the Board and interested parties with enough information to predict with reasonable certainty what would be likely to happen if the approach taken in the experiments were extended and implemented system-wide. Answers will allow government policy to develop and evolve in ways that will make the air transport system more responsive to the needs of consumers, those who provide service, and the nation.

To develop needed answers a program of continuing experiments, as described below, is proposed.

In approaching the design of such experimentation, the primary focus has been on the consumers using the domestic air system and the companies directly or indirectly involved in providing service. A second objective has been to develop an approach that will be useful not only for the present effort, but also for what is hoped could be a regular process of evaluation and decision-making regarding the domestic air transport system.

In designing proposed experiments we have not introduced issues relating to the liberalization of charter rules, which might allow supplemental carriers to compete in terms of price and service with scheduled services in selected markets. Those issues must await the outcome of pending rulemaking proceedings before they can be included in the design of any experiment. In light of the pending Air Freight Rate Investigation and the Air Freight Forwarder Charters Investigation, we have confined our experiments to passenger operations since substantial policy issues regarding freight service are at issue in those proceedings.

A. Critical Questions

The experimentation must provide answers to the many questions that have been raised--posed in terms of new approaches to regulations. The key questions among these include:

- What will be the impact on fare levels? Will average nationwide fares rise or fall?

- What will be the impact on fare structure, including the relationship of fares as between:

  --high-density and low-density markets?

  --competitive and noncompetitive markets?

  --long-haul and short-haul markets?

  --different classes of service?

- What will be the impact on service:

  --Will communities lose service?

  --Will the number of flights change?

  --Will load factors increase or decrease?

  --How will non-stop service, single plane service, and single carrier connecting service be affected?

  --How will the interline service system be affected?

- What will be the impact on the number and types of carriers?

- What will be the effect on the marketing of air travel?

B. Experiment Dimensions

There are three multi-variable dimensions, or coordinates, to the proposed experiment:

- What should be evaluated (the "system" variables).

- Where the evaluation should take place (the location variables).

- When the evaluation should take place (the timing variables).

A fourth obvious dimension (how) involves the mechanics of the evaluation, including controls and enforcement.

1. The "System" Variables

There are many variables in the air system and an even greater range of options for variation within them. In the main, however, the regulatory debate focuses on three primary areas: (i) pricing/service--how much freedom carriers have in determining the fares they charge their customers for the classes of service provided; (ii) entry--how much freedom carriers have to enter markets they choose to serve; and (iii) exit--how much freedom carriers have to suspend or abandon service in a market.

A range of possibilities exists within each system variable. Some examples of the types of changes that could be implemented include:

- Pricing/Service

  --No restrictions on fares charged by carriers for service they elect to provide. (Each carrier can set its own fare levels.)

  or

  --Gradual relaxation of rate-setting procedures over a stated time period. For example, in the first year, let fares fluctuate within a stated "zone of reasonableness." Then, in the second year, increase that zone. According to this strategy, the zone might permit fares to increase by 10 percent or decrease by 15 percent in the first year.

- Entry

  --Complete freedom for anyone to enter a given market as long as aircraft and personnel meet FAA safety regulations.

  or

--Opening up markets for carriers that serve a given city pair with a restricted certificate. Carriers would be allowed to fly non-stop between city pairs where they currently must make mandatory stops en route.

- Exit

--Complete freedom for carriers to leave a particular market whenever they wish. Participating carriers could drop service to any city that is part of the experiment.

or

--Freedom for carriers to leave a particular market after filing their intention to do so and after waiting a given length of time.

or

--Freedom for carriers to leave a market if they find a suitable replacement. Recent examples involve substituting air taxi service for local service operations.

2. The Location Variables

There are also many possibilities in terms of location. However, certain key factors impact on selection of markets for experimentation.

The location should be representative of the total system, yet it should only have a small impact on the total system. The location should have its own pattern of origin/destination traffic as well as a pattern of connecting and through traffic. There should generally be more than one carrier providing service now. Markets should involve both business and nonbusiness traffic. Finally, the choice of experimental markets should include an analysis of the impact lower fares might have upon the diversion of traffic from nearby markets.

In the context of possible test markets, major options include:

- Conducting system-wide experiments with virtually all carriers and cities participating.

or

- Restricting the experiments to a stated number of city pairs (specifically identified city pairs that have a particular characteristic deemed appropriate for evaluation under a particular plan).

or

- Restricting the experiments to an identifiable geographic area. For example, geographic area could be defined by the triangulation of three cities or it could be defined as the service within a particular set of adjacent states or regions.

or

- Restricting the experiments to cities within a given mileage category. For example, city pairs more than 1,500 miles apart or city pairs less than 300 miles apart.

or

- Conducting the experiment between two geographic areas that have reasonable traffic volumes between them.

3. The Timing Variables

The objective of the experiments would be to achieve significant results as soon as practicable. There appear to be two primary options, and either might be applied in different experiments:

- Allowing all regulatory changes to take effect at the start of the evaluation. While this option may be more like the real world, since all factors

impact at the same time, it is more difficult to identify the consequences of a particular relaxation and its particular impact on the system.

or

- Phasing the various regulatory changes over time. This approach would facilitate the identification of the impact of a particular change and would simplify the airlines' implementation task, but it may be less of a real world experiment. It would also mean that it would take longer to develop the desired information.

or

- Allowing a number of changes of limited degree to take place simultaneously, and then increasing the degree of freedom at a later time. This has real-world aspects, although it may take longer to get all the desired information.

C. Constraints

In developing proposed experiments, care was taken to identify the external and internal constraints that should operate. These dictate that the experiments should:

- Avoid injury to the total system and the public.
- Require no extraordinary investment in equipment and facilities.
- Operate within existing FAA safety regulations.
- Operate within existing statutory authority.
- Be capable of inauguration within a relatively short time.
- Produce useful, although not necessarily final, results within a reasonable time period.

- Be conducted by the Board without substantial new resources.

D. Suggested Experimental Program

A number of general approaches to the structure of the experiment were discussed above under the heading "Location Variables." Though it is not complete, the listing is illustrative of possible alternative structures. We have examined several of these alternatives, however, and have decided:

- The system-wide experiment is too risky.

- Experiments conducted (i) only within a single identifiable geographic area or (ii) even two geographic areas having reasonable traffic volume between them, do not appear capable of producing enough information on the critical questions.

- Experiments limited to city pairs only within a limited mileage category are too restrictive.

The conclusion was that, overall, it appeared most desirable to focus the experiment on city pairs that collectively meet requirements of (i) both long-haul and short-haul distance characteristics, (ii) both high-density and low-density volume characteristics, and (iii) both business and non-business traffic characteristics.

1. System Variable Elements of the Experiment(s)

After assessment of a number of approaches, the experiments described here are proposed for review and comment. In brief, we want to measure the reactions of the traveling public, participating carriers, and related interests to reduced regulation of price, service, either phased or unlimited free entry, and generally unrestricted exit.

It is contemplated that the two elements described here would be tested in selected markets as described in paragraph 2, below.

a. Entry/Exit

Entry would be allowable for all carriers holding authority at a terminal at either end of the test market, or at both ends. During a later phase, both certificated carriers not authorized to serve either terminal, and new carriers, would be allowed to enter the various markets.

Exit by any carrier serving the designated city pairs would be authorized as long as one carrier remained in the market. Alternatively, the last surviving carrier could be permitted exit, but would be required to give advance notice before dropping service. Air taxi service or other specialized service may provide the service, under careful monitoring.

b. Price/Service

Either price flexibility within a zone of reasonableness, or free pricing, might be permissible. It is currently contemplated that a zone of reasonableness would be established. In a later phase, however, the zone could be expanded or removed. For instance, in the initial stage of the experiment, carriers could be permitted pricing flexibility within a zone of reasonableness of 15 percent above and 15 percent below the normal fare recognized by the Board for the class of service involved. In the case of a new class of service, for which no fare norm is recognized, the zone of reasonableness could be calculated from a normal fare, based upon the difference between the fully allocated costs for the new class of service and those for normal coach service.

2. Markets (Location Variables)

Two distinct types of markets are proposed for application of the system variable elements discussed above: one essentially long-haul/high-density and the other medium-to-short-haul and medium-to-low-density.

a. Long-haul

It is contemplated that two or more long-haul (over 750 miles) markets and related short-haul, through service, feeder points could be selected.

b. Medium and short-haul

The proposal here calls for selection of four to seven markets, of light to medium density, in the under 750-mile range.

c. General characteristics

None of the long- and short-haul markets selected should represent too large a portion of any single carrier's existing traffic. To the degree practical markets should be relatively isolated/discrete vis-a-vis the total system. Long-haul markets should have heavy volume, including both business and non-business traffic.

3. The Expectations

The long-haul market tests will be designed to develop information in several areas, including, particularly, the significance and results of price freedom/competition. Impact on volume and type of traffic will be examined. In the shorter haul markets, key issues include the impact on fare levels and extent of service, although, as with the long-haul test-markets, other data is expected to be generated.

4. An Added Possibility

Another set of experiments could be conducted in city-pair markets involving satellite airports. These would be designed to measure phenomena which might not be capable of measurement through examination of only the selected, discrete city-pairs previously selected.

In these experiments, virtually free entry, and total or large price freedom might be allowed in a market that currently has no effective service between a city and the satellite of a major hub. Although a specific experiment is not here proposed, it is hoped that the proceeding will develop alternatives which will particularly test issues of entry.

E. Summary

A great debate has been unfolding regarding both the kind of air transportation system that should exist in this country and how it should be regulated. This debate has tended to polarize

the interested parties into two camps--those that favor the status quo, or the proregulators, and those that favor substantially less regulation, the deregulators. However, neither group has been able to present a sufficiently compelling case to end the debate one way or the other.

What is needed is additional data regarding industry performance under changed conditions of regulation. This data can then be evaluated by those responsible for air transportation policy and structure, and used to make desirable changes, if any, to the system.

The problem, however, is to develop the data without an unacceptable risk to the system. To devise a means of doing so was the objective of this effort. The product is a general use methodology and a suggested approach.

The approach taken was to create a plan to experiment with and evaluate the consequences of relaxing regulation on a selected basis.

In the experiment carriers would have greater freedom in setting fares and entering and exiting from selected, designated markets. Different time phasing might be employed in introducing relaxed regulatory constraints into the experimental markets.

This effort would require cooperation from the parties concerned, despite reservations that may exist. But is believed that the long-term interests of the system will be better served by an effort to develop, to the maximum extent feasible, a reliable information base for decision-making than by either action to precipitate change without an evaluation of the consequences, or resistance to change without exploration of the benefits of improvement.

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